Vol. III—1937

Council Debates

Official Report

Bengal Legislative Council

Third Session, 1937

Meetings held on the 10th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st and 22nd September, 1937

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The Hon'ble Mr. MUKUNDA BEHARY MULLICK in charge of the Co-operative Credit and Rural Indebtedness Department.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahamed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Mr. Naziruddin. [Burdwan Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
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7. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

8. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
9. Chaudhury Mr. Moazzemali. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
11. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
12. Chowdhury, Mr. Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
13. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
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15. Cohen, Mr. D. J. [Chosen by the Governor.]

D

16. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
17. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
18. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
19. D'Rozario, Mrs. K. [Chosen by the Governor.]
20. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

21. Ellahi, Mr. S. Fazal. [Presidency Division South Muhammadan (Rural).]
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G

23. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

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28. Huq, Mr. Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

I

29. Ibrahim, Khan Bahadur Maulvi Mohammad. [Bogra *cum* Maldah Muhammadan (Rural).]

J

30. Jan, Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammed Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

35. Laidaw, Mr. W. B. G. [European.]
36. Lamb, Mr. T. [Bengal Legislative Assembly.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-East General (Rural).]
38. McKerrow, Mr. J. A. [European.]
39.* Mitra, The Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
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43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
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N

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O

46. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

P

47. Pal Choudhury, Mr. Ranajit. [Presidency Division General (Rural).]
48. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

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* President of the Bengal Legislative Council.

R

49. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
50. Rahman, Mr. Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
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55. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]

S

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60. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]
61. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Third Session.)

Volume III—1937.

The Bengal Legislative Council.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 10th September, 1937, at 3 p.m., being the first day of the Third Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Hunger-strike in the Andamans.

1. **Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Bengali political prisoners in the Andamans have given up hunger-strike?

(*b*) If so, from when?

(*c*) Will the Hon'ble Minister please state whether any deaths occurred among these political prisoners in the Andamans between the time of their taking to hunger-strike and the present time?

(*d*) Will the Hon'ble Minister please state whether forcible feeding was resorted to on those political prisoners?

(*e*) If so, upon how many?

(*f*) Will the Hon'ble Minister please state whether the Bengal Government enquired about the aforementioned forcible feeding?

(*g*) If so, what did they come to know?

(*h*) Will the Hon'ble Minister please state whether the Government of Bengal keep themselves duly posted of all information regarding the Bengali political prisoners sent out of Bengal?

(*i*) Will the Hon'ble Minister please state whether Government intend to repatriate those Bengali political prisoners in the Andamans?

(*j*) If so, when?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) All Bengali terrorist prisoners with the exception of four abandoned the strike on the 28th August last.

(*c*) No.

(*d*) and (*e*) I presume that the officers in charge of the convicts caused those who required such treatment, to be artificially fed in order that they might be kept alive.

(*f*) No.

(*g*) Does not arise.

(*h*) Matters of importance concerning these convicts are reported to this Government by the Government concerned.

(*i*) and (*j*) The attention of the hon'ble member is invited to the statement which I have made in this House in this connection.

Japanese Fishing in the Bengal Shores.

2. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether Japanese trawlers operated and Japanese fishermen caught fish in the *Bengal side of sea coast* in the Bay of Bengal?

(*b*) Are they doing so still?

(*c*) Will the Hon'ble Minister please state whether they did so or do so as a matter of right or they took permission or held licence either from the Government of Bengal or the Government of India?

(*d*) Do the Japanese fishermen, catching fish as aforementioned in the Bay of Bengal, *challan* the fishes to the Calcutta market and sell them here?

(*e*) Will the Hon'ble Minister please state whether Government intend to preserve the Bengal side of the sea coast of Bay of Bengal as a preserve for Bengali fishermen only to catch fishes and sell them in Calcutta or other markets?

(*f*) Will the Hon'ble Minister please state what steps, if any, the Bengal Government are taking to foster the growth of the fishing industry in Bengal by Bengalis?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) So far as is known, no Japanese trawler has ever operated and caught fish within territorial waters in the Bay of Bengal.

(*b*) to (*d*) Do not arise.

(*e*) Bengalis have so far shown little inclination to embark on sea fishing within or without territorial waters. If it should become necessary in the interests of Bengali fishermen to do so, Government would certainly take steps to control sea fishing by outsiders in Bengal territorial waters.

(*f*) The hon'ble member is referred to the answer given to clauses (*d*) to (*g*) of question No. 120 given at the meeting of this Council on the 16th August last.

Duty on Spirit.

3. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if the Government are aware that the progress of the spirit industry is being greatly hampered owing to the varying excise restrictions which exist from province to province?

(*b*) If so, has the pharmaceutical industry or any other allied industry been affected by such restrictions also?

(*c*) Is the Hon'ble Minister aware that while spirituous medical and toilet preparations made in India are being thus hampered, the imports from overseas are not subject to excise restrictions and enjoy free transport movement throughout India?

(*d*) If the answers to (*a*), (*b*) and (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the Government of Bengal contemplate moving the Government of India to adopt—

(*i*) a uniform low rate of Excise duty on spirituous medicinal preparations throughout India;

(*ii*) to collect the duty at the places of manufacture, i.e., the factories and the bonded ware-houses; and

(*iii*) to distribute it among the Provinces and States *pro rata*?

(*e*) If the answer to (*d*) be in the negative, do the Government contemplate concluding some agreement with the Government of other Provinces for recovery of Excise duty on export from Bengal?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) and (*b*) Representations to this effect have been received from the trade.

(*c*) Yes.

(*d*) These are matters of provincial Excise to which the executive authority of the Central Government does not extend.

(*e*) Yes. Action has already been taken in this direction, and agreements have been arrived at with some Provinces.

A conference of Provincial representatives is contemplated, to secure uniformity, if possible, throughout India.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state with what provinces agreements have been arrived at?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say offhand. I want notice.

Alternating and Direct Current.

4. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the voltage of alternating current used by the Calcutta Electric Supply Corporation Limited and other electric supply companies in the province varies from 220 and upwards and in some places it goes even up to 600?

(*b*) Is it a fact that the cost of production for the alternating current is cheaper than the cost of direct current?

(*c*) Are the Government aware that the consumers are charged at the same rate for both kinds of current?

(*d*) If so, is the Hon'ble Minister aware of the tragic dangers involved in the use of alternating current?

(*e*) Will the Hon'ble Minister be pleased to state what steps the Government intend to take to stop the supply of the alternating current? If not, why not?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The voltage of alternating current used varies from 220 to even 600 in some places.

(*b*) In computing as to whether alternating current is cheaper than direct current many factors, e.g., size of power stations, areas of supply, loads, etc., have to be taken into account, and it is not always, therefore, that alternating current is cheaper than direct current. In any

event I am not aware that there is any considerable difference in the producing cost.

(*c*) The charges for both are the same in Calcutta.

(*d*) and (*e*) I understand that the principal causes of electrical accidents are misuse of apparatus, faulty installation work and failure to comply with the Indian Electricity Rules which have been framed to provide for the protection of persons and property from injury. It is probable that the same tragic occurrences would have taken place even with direct current. I, therefore, do not propose to take any steps to stop the supply of alternating current.

Managing of the Jute Mills.

5. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the number of jute mills in Bengal managed by the Bengalis and of those by the non-Bengali Indians and of those registered outside India?

(*b*) Will the Hon'ble Minister please state the average income by way of salary, commission, etc., from every maund of jute for the past five years derived by the non-Indian Managing Agents and owners of the jute mills of Bengal by the export of raw jute and jute goods for the past five years?

(*c*) Will the Hon'ble Minister please state the average profits of the jute mills of Bengal for the past five years and the net average monthly income *per capita* of the jute mill labourers for the past five years and the average price per maund of jute actually got by the jute producers for the past five years?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information on the subject.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to make enquiries to have information on the subject?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is practically impossible to make an enquiry, as it will take a long time.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state how it is impossible to obtain the information asked for?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The amount of labour and time that will be required to collect the information, will take years, as the information will have to be obtained from the jute mills, labourers, etc., and as such I do not know how it will be possible to make an enquiry and get the information within a reasonable time.

Mr. KAMINI KUMAR DUTTA: Is it not worthwhile and really is it not useful to have the information which concerns the principal trade of Bengal.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is a matter of opinion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Some of the questions are meant really for the Ministry of Labour to answer. For example, income *per capita* of the labourers is a matter which concerns the Ministry of Labour as also the question of the average profits of the jute mills of Bengal. Will Mr. President please enquire whether the third question should not have been sent to the Minister in charge of Labour for answer?

Release of Detenus.

6. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government intend wholesale unconditional release of all political prisoners, detenus and internees and wholesale withdrawal of restrictions where restrictions exist?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state when they will be released or when the restriction orders will be withdrawn?

(*c*) Will the Hon'ble Minister please state if in the case of release or withdrawal of restriction orders, it will be the policy of the Government to grant everyone a consolidated sum sufficient for start in life, befitting the status to which he belongs or to make other suitable provision for everyone?

(*d*) If the answer to (*c*) be in the negative, will the Hon'ble Minister please state if they will be put to open trial, and, if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: A general release of persons convicted of murder, dacoity and other offences committed in furtherance of political movements is not contemplated. The policy

of Government in regard to persons in preventive detention was stated in this House on the 16th August last.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if, in addition to the statement made on the 16th August last which was of a general character, any other specific statement is to be made regarding the policy already adopted or going to be adopted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that on the 16th August I made a detailed statement—not a general statement—of policy as regards persons under detention and it was stated categorically under various heads 1, 2, 3 and 4.

Information about Detenus and Banned Organisations.

7. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number;

(*ii*) the name;

(*iii*) the residence;

(*iv*) the age; and

(*v*) the place of detention or internment of all the political prisoners and detenus and internees who have been convicted for technical breach of the restraint order with nature of the breach of the order and the sentence therefor?

(*b*) Will the Hon'ble Minister please state—

(*i*) the number;

(*ii*) the name;

(*iii*) the location; and

(*iv*) the duration of the order of ban of all institutions, organizations or *Samitis* still under ban?

(*c*) Will the Hon'ble Minister please state if and when the order of ban will be removed from all or any of these institutions, organizations or *Samitis*?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I regret that the collection of material for the preparation of the statement desired by the hon'ble member would involve an expenditure of time and labour which Government are unable to undertake.

(*b*), (*i*) to (*iii*) A statement is laid on the Library table.

(*iv*) The orders will continue until they are cancelled.

(*c*) No decision has been arrived at.

Mr. KAMINI KUMAR DUTTA: As to (*b*) (*iv*), the order of ban on some institutions and organisations and *Samitis*, is the Hon'ble Minister considering the cases of these institutions at all?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. They are being considered and Government policy is one of progressive amelioration and we are relaxing these orders as soon as we think them desirable to do so.

Mr. KAMINI KUMAR DUTTA: Has the ban actually been removed from any of these institutions within the last one month?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister contemplating to lay down any principle for the public to understand on what principle these bans will be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I can remember, the bans are now only applied in one district, namely, Midnapore, and there have been considerable relaxations of the various restrictive orders and Government are watching the effect of these withdrawals and as soon as they think it will be advisable, Government will consider the question of removing the ban in the district of Midnapore.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he is considering the question of ban on several organisations in the Tippera district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the ban on Comilla Abhoy Asram is going to be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is under consideration.

Revisional Settlement.

8. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Revisional Settlement Proceedings are conducted under the Bengal Tenancy Act?

(*b*) Will the Hon'ble Minister please state whether the Bengal Tenancy Act is not shortly going to be amended?

(*c*) If so, does the Hon'ble Minister consider it desirable that the Revisional Settlement Proceedings should continue before the Bengal Tenancy Act is amended?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) Yes.

(*c*) Government have already announced that no revisional district settlement would be undertaken in the current year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As revisional settlement includes Khas Mahal Settlement also, will the Hon'ble Minister be pleased to state whether it is contemplated that the Khas Mahal Settlement will continue, although it is contemplated that all enhancement proceedings will be provisionally stopped?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The District Revisional Settlements do not include the Land Revenue Revisional Settlements.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My question was whether the revisional settlement proceedings are contemplated and whether they are going to be continued.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: District Revisional Settlement operations will be discontinued but Land Revenue Revisional Settlement where necessary will be undertaken.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In spite of the fact that there will be no enhancement and all proceedings for enhancement will be stopped?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir; if necessary, it will be. Besides enhancement, there may be other grounds on which it may be necessary to undertake Land Revenue Revisional Settlement from time to time.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state what are those other grounds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To keep the records up-to-date.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If the zemindars can keep their records up-to-date without District Revisional Settlement, why should not the Khas Mahal be able to do so also?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not admit that it will be possible for the zemindar to keep the records up-to-date without Revisional Settlement Operations, but if the Legislature expresses its wishes that at least in the current year there should be no Revisional Settlement Operations in Midnapore, Government out of deference to the wishes of the Legislature may decide to discontinue it in the current year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But there is a special Khas Mahal staff to keep records of the proceedings and of the subsequent changes. Why should there be any necessity of revisional settlement within fifty years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It will not be wise in the opinion of Government.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state if the revisional settlement in Midnapore will be finished within the course of next year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have not yet come to any decision on that point.

Services of Clerks in the Settlement Department.

9. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that a large number of posts of clerks, *muharrirs* and peons of the Settlement Department have already been or are going to be abolished shortly for want of work in the department?

(*b*) Will it not further accentuate the unemployment question which has already become acute?

(*c*) Is the Hon'ble Minister contemplating to employ the efficient hands of the Settlement Department in various other departments of the Collectorate and in Debt Settlement Boards?

(*d*) Is the Hon'ble Minister considering the desirability of granting suitable compassionate pensions or gratuity to such of them as have rendered long service but have become too old now to be eligible for further employment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) Yes.

(*c*) It is usual in such cases for the head of the department to circulate the list of suitable and efficient hands to the different departments of Government for consideration while filling up vacancies. I have no doubt that their cases will be favourably considered by the different departments.

(*d*) No, as under the terms of their employment they are not entitled either to pension or gratuity.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the Government consider the desirability of granting compassionate gratuity out of that discretionary grant to these discharged employees, although it may not be within the terms of their employment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that under similar circumstances employees discharged from Government service, have been given compassionate allowances in other departments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I am not aware of it.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to consider the desirability, when filling up the next vacancies, of giving the discharged clerks the first preference?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government cannot commit themselves to any definite policy but as I have stated the Heads of Departments will, in filling up vacancies, certainly take into consideration the claims of these discharged Government servants.

Troop march past Muragachha High English School.

10. Mr. BANKIM CHANDRA DATTA (on behalf of Dr. Radha Kumud Mookerji): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on or about the 10th February, 1937, a company of troops marched past the Muragachha High English School in Nadia district?

(*b*) Is it a fact that the boys of the said school were assembled by its authorities on the roadside under the direction of its President to salute the troops?

(*c*) If the answer to both these questions be in the affirmative, will the Hon'ble Minister be pleased to state if such an enforced salutation to the military is a salutary measure for the upbringing of the boys?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) I understand that the facts are as follows:—It is true that a company of troops marched past the Muragachha School on, or about the 10th February, 1937, and the boys were assembled on the roadside. They were not ordered to salute, but many of them did so of their own accord.

(*c*) There was no enforced salutation and the question does not arise.

Reserve Forest in Chittagong.

11. Mr. NUR AHAMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Excise and Forest Department been drawn to the hardships and inconveniences which are being suffered by the villagers living round about the reserve forest in the Chittagong district on account of the enforcement of present rules and regulations about reserve forests?

(*b*) Is the Hon'ble Minister considering the desirability of appointing a committee to go into the working of present forest laws and regulations with a view to their modification in such a way that the poor villagers may be benefited from the reserve forests in the same way as they are being benefited in the province of Burma?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Yes, but the hardships and inconveniences to which the villagers living in forest borders in Chittagong, are said to be subjected by the present forest rules, are more imaginary than real. The existing transit rules are identical with those previously in force with such modifications as present circumstances demand. The rates of royalty for grazing, fuel, bamboos, etc., are too low to require revision. They allow a good margin of profit if the produce extracted from forests by the villagers is sold in the market.

(*b*) No.

Penalty from Defaulting Propietors.

12. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how much money was realised as penalty from the defaulting proprietors of *tarafs* and *taluks* in the district of Chittagong in the year 1935-36?

(*b*) What was the highest rate of penalty realised in that year?

(*c*) Is the Hon'ble Minister considering the desirability of promulgating new rules in supersession of the present rules?

(*d*) If so, is the Hon'ble Minister considering also of the desirability of reducing the rate of penalty by at least 50 per cent. in order to give relief to the defaulting proprietors already under economic depression?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Rs. 7,927.

(*b*) to (*d*) The highest rate of penalty realised amounted to 40 per cent. of the arrears. The framing of new rules is not under consideration, as Collectors have already been given instructions to be lenient with penalties. But Government will make enquiries to ascertain whether sufficient leniency has been shown in Chittagong district.

Estates sold for Default in Payment of Revenue.

13. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many estates were sold for default in payment of revenue in the Chittagong district in 1935-36?

(*b*) How many were permanent estates?

(*c*) How many were temporary estates?

(*d*) How many were *taluks*? How many of them were purchased at Re. 1 by Government in that year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 1,273.

(*b*) 326.

(*c*) and (*d*) No separate figures for *taluks* and other temporary estates are readily available. The number of temporarily settled estates, including *taluks*, purchased by Government in 1935-36, was 177.

Accommodation in Chittagong College.

14. Mr. NUR AHAMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the utter inadequacy of accommodation in the Chittagong College for the large number of boys seeking admission?

(*b*) Is the Hon'ble Minister considering the desirability of sanctioning at an early date the scheme already submitted for extension of the Chittagong College building?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The scheme will be duly considered by Government while preparing the next year's budget estimate.

Culturable Land in Reserve Forest.

15. Mr. NUR AHAMED: (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware that there is about half a lakh acres of culturable land within the range of Chakaria Sundarbans Reserve Forest range of Chittagong?

(*b*) If so, will the Hon'ble Minister please state—

(*i*) how much of this is being actually cultivated; and

(*ii*) how much is lying fallow?

(*c*) What is the annual income from this reserve?

(*d*) What is the annual cost incurred for maintaining the same?

(*e*) Does the Hon'ble Minister intend—

(*i*) to deforest these lands; and

(*ii*) to distribute the same among the landless cultivators?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) No. The area of the Chakaria Sundarbans Forest Reserve is 18,500 acres only.

(*b*) No cultivation is allowed inasmuch as cultivation in the Reserve Forests is against the principles of forest conservation.

(*c*) and (*d*) In the past this reserve yielded about Rs. 11,000 per annum, against the annual proportionate cost of management amounting to about Rs. 3,000. With adequate protection now afforded under the new working plan prescriptions it is expected that the income will steadily increase.

(*e*) No. It is a matter of great public importance that existing forests should be preserved.

Classification of Prisoners.

16. Rai BROJENDRA MOHAN MAITRA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state on what principles are prisoners classified in A, B and C Divisions?

(*b*) Is it a fact that in such classification the mode of living of the prisoner immediately before his arrest is the determining factor?

(*c*) Is it a fact that the status and the mode of life of the prisoner's family are not taken into consideration?

(*d*) If the answer to (*c*) be in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) modifying the principles now adopted; and

(*ii*) taking into consideration the status, respectability and the mode of living of the family to which the prisoner belongs?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The attention of the hon'ble member is invited to Rule 617 of the Bengal Jail Code, Volume I, a copy of which is in the library.

(*b*) Yes.

(*c*) No.

(*d*) As I have stated elsewhere, I shall shortly examine the rules of classification of prisoners.

Pension for Government menial servants.

17. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that the menial servants of the Government are subject to great hardship due to the absence of full pension?

(*b*) If so, does the Hon'ble Minister contemplate to allow these menials full pension like officers of the higher ranks?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) I have no such information.

(*b*) Does not arise.

Result of Matriculation and Intermediate Examinations.

18. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual percentage of successful and unsuccessful candidates among Hindus and Mussalmans in the Matriculation and Intermediate Examinations of the Calcutta University and of the Dacca Intermediate Board respectively, for the last ten years?

The Hon'ble Mr. A. K. FAZLUL HUQ: The statements obtained from the Calcutta University and the Board of Intermediate and Secondary Education, Dacca, on the subject are laid on the Library table.

Record-of-rights.

19. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing the following particulars for each of these districts in which preparation of record-of-rights is completed:—

(*a*) actual amount of expenditure incurred;

(*b*) amount apportioned to landlords and tenants respectively;

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(*c*) amounts actually realised from them respectively;

(*d*) the amount realised in excess over the amount of apportion ment on the landlords and tenants respectively; and

(*e*) how the excess amount has been appropriated?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) to (*d*) A statement giving the information is placed on the Library table.

(*e*) Before 1921 all excess recoveries were credited to the Govern ment of India while from 1921 these were credited to Provincia Revenues just as any deficit would have been met from that revenue.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state whether there is any district in which there was a deficit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware of that.

Khan Bahadur ATAUR RAHMAN: As the statement was prepared by the Hon'ble Minister, how does he say that he is not aware of it? The statement is not before me even.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not before me either.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state what Government intend to do with the excess which will appear in the collections in districts in which the settlement is not completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a hypothetical question, Sir. Government are not yet aware whether there will be any deficit or any excess in any of the districts.

Khan Bahadur ATAUR RAHMAN: Supposing there is a deficit.

Mr. PRESIDENT: Khan Bahadur, hypothetical questions cannot be allowed. On a point of order, you can ask whether there is any deficit or not.

Excise Sub-Inspectors.

20. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*a*) how many vacancies occurred during the current year in the cadre of Excise Sub-Inspectors;

(*b*) whether the vacancies have already been filled up;

(*c*) if so, what are the number of Hindus and Mussalmans among the appointments made;

(*d*) whether any ratio has been fixed for communal representation in these services; and

(*e*) if so, what is the ratio for the different communities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Five vacancies occurred in the current calender year, besides fourteen vacancies which were remaining unfilled from the previous year.

(*b*) Sixteen vacancies have been filled up recently.

(*c*) to (*e*) The appointments made were as follows:—

Muhammadan	...	...	6
Caste Hindu	...	...	6
Scheduled Caste	...	...	2
Indian Christian	...	...	1
Hillman	...	...	1

Muhammadan representation is fixed at a minimum of 33⅓ per cent.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state what he means by "hillman"?

The Hon'ble Mr. PRASANNA DEB RAIKUT: A man of the hilly country.

Crop prospect in the Burdwan Division.

21. Mr. KANAI LAL GOSWAMI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the unfavourable prospect of crop in the Burdwan Division owing to scanty rains, coming immediately after a year of dire famine?

(*b*) If so, will he be pleased to state what steps, if any, have been taken to avert the disaster?

(*c*) Does the Hon'ble Minister contemplate relaxing the irrigation charges and restrictions in order that facilities of such cultivation, wherever available, may be enjoyed by the maximum number of people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The latest information received from the Divisional Commissioner shows that recent rains have improved crop prospects considerably in every district of the Burdwan Division.

(*b*) No agricultural disaster is at present considered likely but the situation is being closely watched.

(*c*) The reference to "restrictions" is not understood. As regards irrigation charges, some relaxation has already been granted as regards

the 1936-37 assessment. The question of relaxing the 1937-38 assessment does not at present arise.

Mr. KANAI LAL GOSWAMI: Will the Hon'ble Minister be pleased to state if it is a fact that the agriculturists are required to pay in advance a portion of the total charges assessed as a condition precedent to the supply of water?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware of it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. On the last occasion we were told that the outstanding answers would be given at this session, but we do not find them here, although we gave notice of the questions.

Mr. PRESIDENT: I shall see to it.

Mr. HUMAYUN KABIR: Sir, if we gave notice of such questions, are we not entitled to have the answers within fifteen days? If so, there were some questions outstanding from the last session and you, Sir, were pleased to permit the Hon'ble Ministers in charge of the respective departments to carry forward those questions to this session.

Mr. PRESIDENT: So far as I remember the Hon'ble Finance Minister said that the outstanding questions would not be allowed to lapse. However, I shall see to it and I hope there will be no objection from the administrative departments concerned.

Mr. HUMAYUN KABIR: Sir, is there no time-limit to such questions? I gave notice of one particular question on the 10th of July last, and I submit that after that sufficient time has elapsed to enable the administrative departments and even our Council Department to print up the question and answer.

Mr. PRESIDENT: If you give the particulars to the Secretary, he will see to the matter.

Short-notice question.

Mr. PRESIDENT: There was a short-notice question but I think it has not been accepted by the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as the question relating to my department is concerned, I hope to reply to it on Monday; the answer is not yet ready.

Mr. LALIT CHANDRA DAS: Sir, I had another short-notice question relating to the department of the Hon'ble Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: I saw the question just now and I will reply to it at the next sitting of the House.

Motion on Question of Privilege.

Mr. PRESIDENT: The answers will be given on Monday next.

I like to take up item 3 in preference to item 2 of the list of business. I have received a letter from Mr. Ormond about the resolution.

It is a well-established parliamentary practice that any urgent motion directly concerning the privilege of the House will take precedence over all other motions as well as the Orders of the Day. Most of the privileges rest solely upon the law and custom of Parliament, while others have been defined by statute. Our House has the privilege to make its own rules for regulating the procedure and conduct of its business, subject to the limitations where the Governor makes rules after consultation with the President in the sphere of his special responsibilities.

As this motion of Mr. Ormond refers to the making of rules of business of the House, I hold that the motion is one relating to the privileges of members, and so I call upon Mr. Ormond to move his motion.

Mr. E. C. ORMOND: Sir, I have to thank the House and you for admitting this motion, over which, I hope, we will not take any great length of time.

Sir, in moving the motion I desire only to make one or two explanatory remarks. The first is that perhaps the hon'ble members will notice that there has been a printer's error in the second line of the motion. Of course, the object of the motion is to obtain "with the least possible delay" and not "without the least possible delay." Now, Sir, the intention of this motion is simply for the benefit of all individual members and all parties of this House in order to save time and unnecessary labour in the Committee which is being appointed to frame these rules——

Mr. PRESIDENT: Mr. Ormond, it would be better for you to move the Resolution first of all.

Mr. E. C. ORMOND: I beg to move that this Council is of the opinion that, in order to obtain with the least possible delay, the greatest possible benefit from the deliberations and report of the Committee recently appointed in regard to the making of the new rules of this Council, it will be advisable that any suggestions which hon'ble members may desire to make in regard to the new rules should be made available for the consideration of the Committee, if possible, before the holding of the first sitting of such Committee, and in any event before, and not after, the making of its report. To this end it is now resolved that all members be to-day invited to communicate any suggestion regarding any matters which they consider ought to be

embodied in the new rules to the Secretary of the Council immediately or as early as possible; and that the Secretary of the Council be directed to submit such communications before the Committee forthwith.

The object of this motion, I trust, is to save hon'ble members from doing the same thing over and over again. I take it that the Committee will make draft rules and those draft rules will be submitted to this House. Under section 84 of the Government of India Act, 1935 it is for this House to frame its rules and therefore if the Committee were to start the work before knowing what the views of the individual members of this House were, it might take a lot of time and trouble in framing rules which would be found not in keeping with the wishes of the hon'ble members of this House. There is one point which may possibly be of interest to members and on which they might care to express their views, and it is this. If there were no rules in this House, there might be a certain amount of ambiguity as to the method and procedure which should be adopted in this House for the maintenance of order. I understand that in the House of Lords in England, the maintenance of order is a matter which is in the hands of the members of that body and not in the hands of the Speaker. It has been authoritatively stated in May's Parliamentary Practice as follows (at page 189): "The position of the Speaker of the House of Lords is somewhat anomalous for though he is the President of a deliberative assembly, he is invested with no more authority than any other member. Upon points of order, if a peer, he may address the House; though, if not a member, his office is limited to the putting of questions and other formal proceedings." Then there is an example showing the extent to which this same principle is carried, in regard to the right of priority to speak among the members of the House of Lords. You will find, Sir, at page 304, that "owing to the limited authority of the Lord Speaker in directing the proceedings of the House of Lords, the right of a peer to address their lordships depends solely upon the will of the House. When two peers rise at the same time unless one immediately gives way, the House calls upon one of them to speak and if each be supported by a party, there is no alternative but a division." Now, everybody will appreciate, hon'ble members will appreciate and you, Sir, will appreciate that that would in all cases entail unnecessary delay and waste of time; and in some cases, I venture to suggest, it might result in a veritable pandemonium.

Mr. PRESIDENT: Mr. Ormond may know that the Lord Chancellor may not be a member himself of the House of Lords.

Mr. E. C. ORMOND: I am much obliged to you, Sir, for reminding me of that; we would never be ourselves in that position. But if there were no such rules, there might be ambiguity as to how order in this House was to be maintained. Another example which appears to me

to be of interest is as follows: It arises in connection with the enforcement of rules for maintaining order. The Speaker of the House of Lords has no special authority to call a peer to order. I will quote the exact words of the passage in May's Parliamentary Practice (13th edition) at page 338:—

"In the enforcement of all these rules for maintaining order, the Speaker of the House of Lords has no more authority than any other peer, except in so far as his own personal weight and the dignity of his office may give effect to his opinions and secure the concurrence of the House. The result of his imperfect powers is that a peer who is disorderly is called to order by another peer, perhaps of an opposite party; and that an irregular argument is liable to ensue, in which each speaker imputes disorder to the last and recrimination takes the place of orderly debate. There is no impartial authority to whom an appeal can be made, and the debate upon questions of order generally ends with satisfaction to neither party, and without any decision upon the matter to which exception had been taken."

Well, Sir, I am not aware of any provision of the Government of India Act, 1935—I am not speaking as having looked into this matter exhaustively—which provides at all in any respect for the maintenance of order in this House. Under the Rules and Standing Orders now provisionally existing, there is a very definite rule which vests in you, Sir, the right to decide all points of order. [Section 13 says, "The President shall decide all points of order which may arise and his decision shall be final." I, speaking for myself, and, I believe, every hon'ble member of this House, would prefer that that position should be perpetuated, so that we would not be put in that position of disorder which might arise under the antiquated procedure of the House of Lords. That is one of the reasons, Sir, why I suggest that this motion should commend itself to the hon'ble members. The hon'ble members will at once appreciate that if the Committee were to frame a draft set of rules on the basis that order was to be maintained by the House itself, and if it was found after that that the House was in favour of the President having complete power to decide all points of order, the framing of the first draft set of rules would turn out to have been a mere waste of time; for this is a fundamental matter which might affect the nature and framework of the whole set of rules. There will be other points which will affect the matter in a similar way. If the Committee should feel that it should frame rules on one basis and if the House did not wish to adopt that basis which the Committee had suggested, then there would inevitably be waste of time and labour through the work having to be done over again. What I would respectfully suggest to the House is that hon'ble members may set out their views as suggested in the motion to the Secretary on this point and not only on this point but on all other points which they desire to be embodied in the new rules. Then the

Committee will be in a position to frame its rules in accordance with the wishes of the House from the very beginning and this will save a considerable amount of time.

There are, of course, various other points on which members may desire to submit their views which I need not go into. There are rules regarding questions, rules regarding the closure and the effect of the closure—and you will have noticed that the rules regarding the closure in the provisional rules are not as complete as those in the House of Commons in England, as they do not provide for outstanding business being taken up at the moment of interruption, as a result of a motion of closure in the way that is provided for in the rules of the House of Commons.

There is one other point of a different nature on which possibly hon'ble members might desire to send in their views to the Committee and that is this. What steps, if any, hon'ble members desire to be taken to co-ordinate the rules of this Council with the rules of the Assembly? I take it that we in Bengal would not be anxious to have two sets of very divergent rules for the two Houses. That, I tentatively suggest, would only lead to unnecessary difficulty in the conduct of political business in both the Houses.

There is only one other observation which I desire to make. I would like again to emphasise that the object of the motion is for the benefit of the House itself and for every individual of whatever party in the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On a point of order, Sir. I should like to have your ruling as to whether it is possible to deprive the members of this House of their legitimate right to criticise any report which may be submitted by any Committee which is the creation of this House, because some part of the motion itself appears to be rather ambiguous. Is it possible that if this motion is carried, the House will be prevented from giving an expression of opinion with regard to the final report?

Mr. PRESIDENT: I think there is a misunderstanding. It is not suggested that it should be made final but what Mr. Ormond wants is only that before the Committee goes into consultation over all the suggestions, it will be profitable for them to get the preliminary views of the members. But that is not binding on the members nor are the members bound to offer their opinion at this stage alone. As soon as the Committee finishes the work, they will submit the whole thing before the House and it will have to be gone into by the House paragraph by paragraph.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But I want to draw your attention to the particular line, namely, "and in any event before, and not after——."

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. I think we should have an opportunity of——

Mr. PRESIDENT: I think that is not a point of order. The proper procedure would be to move an amendment to the motion and then the whole thing may be discussed on the floor of the House. The Maharaja has not raised a point of order but his is a proposal to delete the lines to which he has taken objection.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: If the Chair permits me, I shall certainly move an amendment, but my point of order was this: can the House be prevented by a motion like this from criticising the report when it is ready and finally submitted to the House? Then, Sir, I would move an amendment if you would permit me now to do so.

Mr. PRESIDENT: Yes, you may.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I move that the words "of such Committee, and in any event before, and not after, the making of its report" be deleted, and also the words "immediately or as early as possible" be deleted, because it is impossible for members of this House to give any suggestion to the Committee immediately. They must be given sufficient and reasonable time to bring forward their proposition and to state their views.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. President, Sir, since the appointment of the Committee by this House for revision of rules, my department has been preparing a set of draft rules to be put before the members of that Committee. They are almost complete, and I hope to be able to get them printed and circulated amongst the members of that Committee very soon. Therefore, I think, that after the circulation of those draft rules it will be time when, after going through the rules, members might give their own suggestions, and then we should call a Committee for discussion and final decision. That, I think, will save the time and labour of the members of the Committee, and I hope that, in view of this, Mr. Ormond will not press his motion, because it will then become practically unnecessary. And so far as the other argument of Mr. Ormond is concerned, I have not been able to follow it, because no one here challenges your authority until the new rules are passed, and work can go on under the existing rules.

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, in view of what the Hon'ble the Finance Minister has stated, may I request you to kindly circulate these draft rules to all the members of this House.

THE HON'BLE MR. NALINI RANJAN SARKER: All, all.

Mr. NARESH NATH MOOKERJEE: If we are to accept Mr. Ormond's motion, which I think is a very good suggestion, then we ought to be able to be in a position to make suggestions, and I think we can do that only when those draft rules have been circulated to us, I mean the rules that have been or will be prepared by the department of the Hon'ble the Finance Minister. I just want to say one thing further. This is a special matter in which we are called upon to make our own rules. This is not really a matter which is as if it has been referred to a committee, and, I think, this procedure will help us considerably in putting forward our suggestions before that Committee, which might really help them in their deliberations.

Mr. HUMAYUN KABIR: Mr. President, Sir, the communication which has just now been made by the Hon'ble the Finance Minister seems to me startling, for I take it we appointed a Committee of this House to draft rules and we want this committee to draft rules with a fairly open mind. And, therefore, I do not understand how the department of the Hon'ble the Finance Minister or any other department comes into the picture. If the suggestion is that the Committee cannot proceed unless there is a set of working rules before it, then I say, Sir, that there are already a set of provisional rules that we have been following during the whole of the last session, and we can also follow them till the new rules come into force. I, therefore, draw your attention as to whether or not the circulation of a set of draft rules prepared by the department of the Hon'ble the Finance Minister is not an infringement of the privileges of this House, when this House has delegated its rule-making powers to that Committee.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, speaking on this motion, I think it goes no further than this, that under the ordinary rules of this House there is this standing order, viz., that a committee which is appointed by this House can call witnesses to be examined on any point. It can also ask for opinion from persons whom it may choose or select, and Mr. Ormond's motion goes no further than this. He only re-affirms a provision which is already there, and he only suggests, so far as I understand his motion, he only brings to the notice of members the fact that they too can send in their own suggestions to the committee if they think it necessary, so that when the committee reports on the subject, it may embody and include all the suggestions which will appeal to it as good suggestions and frame rules and then present them before this. So these suggestions will be very helpful to the committee. Therefore, I do not see why there should be any objection to the adoptation of this motion which goes no further than that. It is really a recommendatory motion and it is not binding on any body.

As regards the second objection raised by my hon'ble friend Mr. Humayun Kabir to the suggestion made by the Hon'ble the

Finance Minister, viz., that his department is preparing a set of rules and would circulate them amonst the members of this House, I do not see what earthly objection there can be, because he is not, by doing that, taking away any of the privileges that are in the hands of the committee. It will be merely the suggestions of Government, and Government will be placed in the same position as regards these suggestions just as if these suggestions came from a private member. Therefore, in that capacity also it will help the committee very much to have within a short compass a set of rules to which it may refer if necessary, and which at the same time it is at liberty to accept or reject. The committee may report on the same lines or on an independent line of their own. Therefore, my submission is that I support Mr. Ormond's motion, and I also see no objection to the observations made by the Hon'ble the Finance Minister, and I suggest that both may be recorded.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. On the last occassion the Hon'ble the Finance Minister moved a resolution for the appointment of a committee to frame rules regarding the procedure to be followed for the transaction of business in this House after getting the existing rules modified by His Excellency the Governor. The resolution that was passed then—or rather the last portion of it—runs thus; ".....during the consideration by the Council of such draft rules the procedure relating to Bills as set out in the Rules and Standing Orders as modified and adopted for this Council under sub-section (*3*) of section 84 of the Government of India Act, 1935, shall so far as may be, be followed." Now, Sir, the procedure that is to be followed in the committe with regard to rule-making and the report that will be given will be the procedure relating to bills. The question is whether there is any provision in the rules that the whole House is to give any suggestion to any such committee before the committee frames its rules, because the committee is following all the rules relating to bills. Then, Sir, there is one information that I want to have, viz., whether the motion which has now been put forward before this House by Mr. Ormond does not run counter to the resolution which has already been passed by this House. That motion related to the procedure to be followed regarding bills. Now, Sir, we all know that when a bill is committed to a committee of the House, then during the sittings of that committee the House makes no suggestion in the framing of the provisions of that Bill. As a matter of fact, after the bill is finished, and it is reported to the House, then comes the time for the House as a whole to make amendments, either for additions to or subtraction, or for deletion of any provisions of the bill. And, therefore, so far as the motion put forward by Mr. Ormond is concerned, I say that it runs counter to the motion which we adopted in the last session, viz., that the procedure that is to be followed will be the procedure relating to bills as set out in the Rules and Standing Orders.

Then, Sir, there is another point which I want to place before the House.

Mr. PRESIDENT: You surely want an answer to your question, Mr. Das?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: Will Mr. Ormond reply to the remarks of Mr. Das that his motion runs counter to the resolution passed by the House last session? Personally, I do not think it goes against the resolution.

Mr. E. C. ORMOND: My submission is that the resolution that has been passed by the House is simply to the effect that there should be a committee—I forget the exact wording—to consider the framing of rules. Now, I have got hold of a copy of that resolution: it says that a committee be appointed to draft rules. Well, Sir, I fail to see—

Mr. LALIT CHANDRA DAS: Will the hon'ble member please read out the whole of the resolution?

Mr. E. C. ORMOND: I take it that the hon'ble member is referring to the last portion of that resolution that during the consideration by this Council of draft rules of the procedure relating to Bills as set out in the Rules and Standing Orders, and as modified and adopted for this Council under sub-section (3) of section 84 of the Government of India Act, 1935, shall, so far as may be, be followed. Well, Sir, I am not aware that if the House chooses to invite members to submit recommendations or suggestions to the committee, it in any respect runs counter to the procedure laid down by that section in the Act. If in case it does run counter to the procedure, what is there to prevent this House from modifying that procedure? If it is said that this committee should not act in such-and-such a way but that it ought to act in a better way, what is there to prevent this House from modifying the procedure accordingly? So, Sir, I fail to see the force of the argument of Mr. Das, but, of course, it is a matter for you, Sir, to decide.

Mr. PRESIDENT: Mr. Ormond, Mr. Das only asked a question, and you have answered it. What is your second question that you were going to put, Mr. Das?

Mr. LALIT CHANDRA DAS: This motion has been admitted under section 117 of the Rules and Standing Orders—.

Mr. PRESIDENT: Order, order. That is not correct. I have already said that I have treated it as a question of privilege. So, you need not go into that section.

Mr. LALIT CHANDRA DAS: That was my second point, Sir. So, I shall not refer to it now.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, in rising to support the motion moved by Mr. Ormond and as amended by the Maharaja of Santosh—

Several members: The Maharaja's amendment has not been accepted.

Mr. E. C. ORMOND: Would it be convenient, Sir, if I were allowed to make a few remarks with regard to—

Mr. PRESIDENT: Mr. Ormond, you need not make any observation now. I shall formally put it, and then the time will come for you to make any observations, you like. The Khan Sahib, however, can make any observations both as regards the motion and also on the amendment proposed.

Khan Sahib ABDUL HAMID CHOWDHURY: I think, Sir, no speech is required in this matter. I simply beg to state that I lend my support to the motion of Mr. Ormond as amended by the Maharaja of Santosh.

Mr. HUMAYUN KABIR: Mr. President, Sir, I want to draw the attention of the Maharaja of Santosh to the fact that his amendment is, strictly speaking, not relevant.

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Mr. Kabir has already spoken once on this motion. Is he, therefore, entitled to speak again on the same motion?

Mr. PRESIDENT: No, no. I do not think so. He only raised a point of order.

Mr. HUMAYUN KABIR: I did not speak either on the amendment or on the original motion. I only drew your attention to a statement made by the Hon'ble the Finance Minister. I made no observations whatsoever either for or against the motion.

Mr. PRESIDENT: Yes.

Mr. HUMAYUN KABIR: With regard to this resolution of Mr. Ormond, to which I lend my whole-hearted support, I would like to draw your attention to the fact that it is stated here that it will be only advisable to make suggestions to the committee and if suggestions are to be made to the committee, there is no point whatever in making those suggestions after the committee has presented its report. If any suggestions are to be made at all, they should be made before and not after report, for as soon as a report is submitted, it becomes a matter for the consideration of the whole House. Then, the suggestions will be in the form

of amendments to the Bill or Report which will be moved on behalf of the committee. I, therefore, request the Maharaja of Santosh to agree to withdraw his amendment.

Mr. PRESIDENT: Before I put this resolution to vote, I would just like to make one observation that the hon'ble member, Mr. Humayun Kabir, thought that it was a question of privilege of this House. So far as I understood the Hon'ble the Finance Minister, I think that his preparation of a draft will be treated just like any other draft that may be submitted by any other member or group of members of this House. I take it that it should be the duty of the Council Department if any draft is to be prepared to be placed before the committee to have it made by our Secretary, and, of course, if particularly this resolution is accepted with amendment or without amendment, then it will offer greater facilities to other members to submit their views. This resolution will in no way take away the rights of the members, when the draft rules will come up before the House for its final acceptance, to move any amendment that they like. This resolution merely gives a suggestion and invites opinion that would facilitate the work of the committee.

The Hon'ble Mr. NALINI RANJAN SARKER: I have not been able to understand very clearly if it is the opinion of this House that we should not submit any draft. Somebody must start the thing, but we are not very anxious to encroach upon anybody's right. If it is thought advisable, my department will allow things to take their own course.

Mr. PRESIDENT: Yes, as I understand it, the House not only welcomes the draft of the Finance Minister, but invites any other suggestion that may be made by other. The House instead of restraining him is inviting him with other members of the House.

Since this resolution has been moved, there is an amendment which has been moved to the effect that the words "and in any event before, and not after, the making of its report" in lines 7 and 9 be deleted and that the words "immediately or" in line 12 be deleted.

Mr. E. C. ORMOND: Will it be in order to say that I readily accept the amendment that the words "immediately or" be omitted. With regard to the other amendment of the Maharaja of Santosh, in view of your ruling that this will not take away the right of the House, I do not see that it really arises, and I would also again stress the point which was raised by one of the speakers that—

Mr. PRESIDENT: Order, order. I have now placed the motion before the House and you cannot make a speech now. You have lost your chance of reply. I am sorry I did not specifically ask you to reply.

As regards the amendment, is it the desire of the House to permit Mr. Ormond to accept the amendment?

All agreed.

Mr. E. C. ORMOND: Sir, I accept only a portion of it, namely, he deletion of the words "immediately or."

The other portion of the amendment was then put to the vote and ost.

Mr. PRESIDENT: The question before the House is that this Council is of the opinion that, in order to obtain with the least possible elay, the greatest possible benefit from the deliberations and report f the Committee recently appointed in regard to the making of the ew rules of this Council, it will be advisable that any suggestions hich hon'ble members may desire to make in regard to the new rules hould be made available for the consideration of the Committee, if ossible, before the holding of the first sitting of such Committee, and n any event before, and not after, the making of its report. To this nd it is now resolved that all members be to-day invited to communiate any suggestions regarding any matters which they consider ought o be embodied in the new rules to the Secretary of the Council as early s possible; and that the Secretary of the Council be directed to submit uch communications before the Committee forthwith.

The resolution as amended was carried.

ADJOURNMENT MOTION.

Mr. PRESIDENT: I have received a notice from Mr. Lalit Chandra Das that he proposes to ask for leave to move a motion for the adjournment of the business of the House for the purpose of discussing a matter of definite public importance. The motion runs as follows:—

"This Council do adjourn its business to discuss a matter of urgent ublic importance, namely, the summary closing of the Rajshahi Government College *sine die* by an order of the Government of Bengal."

Before I put the matter to the House to enquire whether leave is ranted, I would ask Mr. Das to explain how this matter is urgent.

Mr. LALIT CHANDRA DAS: In view of the fact that in the Assembly Mr. Sarat Chandra Bose, Leader of the Opposition, and Mr. Pramatha Nath Banerji have been deputed to enquire into and ettle the matter at Rajshahi, I do not like to move the motion of which gave notice.

Panel of Chairmen.

Mr. PRESIDENT: Under Rule 3 of the Bengal Legislative Council Rules, I nominate—

(1) Khan Bahadur Maulvi Abdul Karim,

(2) Dr. Radha Kumud Mookerji,

(3) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, and

(4) Mr. J. A. McKerrow,

on the Panel of Chairmen for the current session.

GOVERNMENT BILLS.

THE SECRETARY (Mr. K. N. MAJUMDAR): I have received notices of five bills and those bills will be taken into consideration on the 17th instant.

Mr. PRESIDENT: I shall take up the bills in the order in which they appear.

Mr. HUMAYUN KABIR: On a point of information, Sir. With regard to amendments of bills in this House, it is laid down that ten days' notice has to be given. But in this case it is obviously impossible under the circumstances to do so. I would like to hear from you, Sir, what will be the time required in order to give notice of such amendments.

Mr. PRESIDENT: I have not considered this question: I am very thankful to you for making this suggestion. I extend the time till the 14th by which time members will be entitled to give notice of amendment. Will that be sufficient.

Mr. HUMAYUN KABIR: Yes, Sir.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that we have only got one hour's working time to-day, and to-morrow and the day after being Saturday and Sunday, there will be no sitting of the Council and as such it is clear that we are brought here from the *muffasil* only for one hour. Thus we are a drain on the public exchequer for the next two days. Would it not be possible to hold these meetings on such days as would enable us to get a solid day's work? It would avoid a waste of public money.

Mr. PRESIDENT: The hon'ble member knows that it is not within the power of the President to fix these dates. Of course, in future when the rules will be made, it will be for the House to decide all these matters. But as it is at present, the President is as much helpless as the hon'ble member.

Adjournment.

The House then adjourned till 2-15 p.m. on Monday, the 13th September, 1937.

Members present:

The following members were present at the meeting held on the 10th September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Barua, Dr. Arabinda.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Hamidul Huq.
(13) Chowdhury, Mr. Humayun Reza.
(14) Cohen, Mr. D. J.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Esmail, Khwaja Muhammad.
(22) Goswami, Mr. Kanai Lal.
(23) Haider, Nawabzada Kamruddin.
(24) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(25) Hossain, Mr. Latafat.
(26) Huq, Mr. Syed Muhammad Ghaziul.
(27) Ibrahim, Khan Bahadur Maulvi Mohammad.
(28) Jan, Khan Bahadur Shaikh Muhammad.
(29) Kabir, Mr. Humayun.
(30) Karim, Khan Bahadur M. Abdul.
(31) Khan, Maulana Muhammad Akram.
(32) Laidlaw, Mr. W. B. G.
(33) Lamb, Mr. T.

(34) Maitra, Rai Bahadur Brojendra Mohan.
(35) McKerrow, Mr. J. A.
(36) Molla, Khan Sahib Subidali.
(37) Momin, Begum Hamida.
(38) Mookerjee, Mr. Naresh Nath.
(39) Mukherji, Rai Bahadur Satis Chandra.
(40) Nichol, Mr. C. K.
(41) Ormond, Mr. E. C.
(42) Pal Choudhury, Mr. Ranajit.
(43) Poddar, Mr. H. P.
(44) Rahman, Khan Bahadur Ataur.
(45) Rahman, Mr. Mukhlesur.
(46) Rashid, Khan Bahadur Kazi Abdur.
(47) Ray, Mr. Nagendra Narayan.
(48) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(49) Roy, Rai Bahadur Radhica Bhusan.
(50) Roy Chowdhury, Mr. Krishna Chandra.
(51) Sanyal, Mr. Sachindra Narayan.
(52) Sarker, Mr. Indu Bhusan.
(53) Shamsuzzoha, Khan Bahadur M.
(54) Singh Roy, Mr. Saileswar.
(55) Sinha, Rai Bahadur Surendra Narayan.
(56) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(57) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 10th September, 1937:—

(1) Banerjee, Rai Bahadur Keshab Chandra.

(2) Hossain, Mr. Mohamed.

(3) Khan, Khan Bahadur Muhammed Asaf.

(4) Mookerji, Dr. Radha Kumud.

(5) Sen, Rai Sahib Jatindra Mohan.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 10th September, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A., (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 13th September, 1937, at 2-15 p.m., being the second day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and ten Ministers were present.

QUESTIONS AND ANSWERS

Discussion on Questions and Answers which were not available.

The Secretary to the Council informed the Hon'ble the President that he had not received the Questions and Answers, although they had been sent to the Press on the 11th of September, at 8-30 p.m. They were expected this morning, but he had not yet received them.

Mr. PRESIDENT: Order, order. Standing Order No. 14 enjoins that the first hour of every meeting shall be available for the asking and answering of Questions, and I understand from the Secretary that Questions with their Answers were ready, but that they had not yet come from the Press. It is well known to the hon'ble members of this House that no one has yet been appointed to be the Leader of the House. There is no Minister selected from the members of this House on whom I have control; so I am in an almost helpless position. You know the rights of this House, and the powers of its President are what members bestow upon him; and it is for the House to decide what steps to take if things are allowed to go on, in this way. If Hon'ble Ministers of Government like to explain Government's position, I should be glad to know why printed Questions have not been made available to-day, although they were sent to the Press on the 11th as the Secretary tells me.

The Hon'ble Mr. NALINI RANJAN SARKER: The Press is under my charge, Sir, but I do not know the facts. So, it is very difficult for me to defend or accuse the Press as to why they have failed to send the printed Questions and Answers to-day. I understand from the Secretary to the Council that the Question Papers were sent to the Press at 8-30 p.m. on Saturday night. Yesterday, being a Sunday, was a holiday. So, Sir, I submit, that is perhaps the reason why the Press has not been able to get them ready for to-day's meeting.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I point out, Sir, that there are several Questions which I sent in during the last session and which were not answered during that session. I gave notice for those same Questions to be carried forward to this session, but even then they have not yet been answered. Under your ruling, Sir, delivered on the last occasion, fifteen days' notice has to be given. So, as a matter of fact, I have given almost two months' notice, but still no answers are forthcoming.

The Hon'ble Mr. NALINI RANJAN SARKER: There is only one thing, Sir, which I want to say. I find that there are complaints from members almost daily, but I must appeal to them to consider our position also. We the Ministers have got to attend the Council and the Assembly meetings from 2-15 p.m. to about 8-30 p.m. almost daily, and not only to attend but also to prepare ourselves for the business of both the Houses. Considering all these things, and this being almost the first regular session, I hope hon'ble members of this House will please excuse us if we have not been able to make proper arrangements for these sittings. I may point out that during the next session we hope to make better arrangements.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Finance Minister please give an undertaking to this House that he will call for an explanation from the Press if it is their fault why the Questions have not been sent in time to be placed before the House and place their explanation before the House as soon as it is obtained?

The Hon'ble Mr. NALINI RANJAN SARKER: How can I ask for an explanation from them when I am myself satisfied that if Questions were sent to the Press at 8-00 p.m. or 8-30 p.m. on Saturday, they cannot possibly be printed in time for Monday's business at 2-15 o'clock? Of course, if the Council Department had given notice to me on Friday, I could have made arrangements for extra work on Sunday—for without the Finance Department's permission the Press cannot be kept opened on Sunday. And in that case the Questions would have been ready for to-day's business.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, from the very beginning of this Council we have been suffering from inconveniences caused by irregularities in the matter of answers to questions by Government. We understand from the Hon'ble Finance Minister that Questions were sent to the Press late, and sometimes we hear from the office that the Questions are sent in time to the Administrative Departments but that Answers are not available though they are to be sent without delay. So, I think it is high time that an inquiry should be made here to ascertain where the screw is loose, and proper action taken in the matter.

Mr. W. B. G. LAIDLAW: May I make a suggestion, Sir, that Questions and Answers, instead of being printed, should be duplicated? As the matter was ready on Saturday night, there was plenty of time for them to be typed and neatly stencilled and then duplicated, for production before this House in time.

Dr. RADHA KUMUD MOOKERJI: May I know, Sir, why the office was so late in sending the Questions for printing?

Mr. PRESIDENT: I have made inquiries in the office and asked the Secretary why he could not send those Questions and Answers to Press earlier, and this is his letter to me:—

"Sir, I have already submitted to you that it is not possible for me to carry on the work of the Council with the staff at present at my disposal. I have already written to the Home Department to give me at least some extra staff to enable me to carry out the work for the present session for the time being, and by way of reminder I have also telephoned to them personally. Up to now no action has been taken with the result that the Questions for to-day could only be got ready on Saturday when I sent them to the Press. But the Press telephoned to me just now that they would not be able to get the Questions ready before 3 p.m. to-day. There are various other works in the Council Department which are getting into arrears for want of adequate staff, and I hope you will be pleased not to blame the department for such laches and delay."

I personally know that there have been complaints about insufficient staff for some time past, and I wrote to the Home Department that additional staff was absolutely necessary. I think the time has come when Government should realize that this House is not a subservient House, that it has its own independent entity, and from the very fact that there are no Ministers appointed from this House, there is every chance that its rights and privileges may be overlooked. I emphasize this point again. I gave my ruling that a non-member cannot be the Leader of the House. Since then some time has passed, but no one has been appointed as the Leader of the House. I have said repeatedly that it is by courtesy that Hon'ble Ministers of Government do come and attend our meetings, but I have no right to compel them to attend. I wish that as a self-respecting House you must assert your rights. As I understand the Government of India Act, 1935, a second chamber is not a mere revising chamber. Except in the case of financial bills, which must originate in the Assembly and in the matter of demand for grants, which is within the exclusive province of the Assembly, this Council is absolutely independent, and has as much right as the Assembly. This is an elected Chamber and is not a nominated or a hereditary House like some other second chambers are. So, it is for the

House to advise me, and I seek the advice and co-operation of the party leaders as to what steps should be taken to ensure that this House may not be neglected in this way.

Mr. SACHINDRA NARAYAN SANYAL: May I know, Sir, when the Leader of the House is going to be appointed? Will the Hon'ble Ministers be pleased to let us know that?

Mr. PRESIDENT: Hon'ble members know that I cannot compel Hon'ble Ministers to answer questions. It is well known that some responsible Ministers are always appointed from the Upper Chamber. It is so in the present Council of State, and in France three or four Ministers are selected from the Upper House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I quite appreciate the difficulties that you are experiencing in this House for want of a Leader. On the last occasion, and to-day also, you have mentioned that because there are no Ministers from this House, you cannot choose a Leader of the House from amongst the Ministers. I quite appreciate that, but, I want you also, to recognize that under section 51 of the Government of India Act, 1935——

Mr. PRESIDENT: Order, order. Mr. Sarker, I do not say that a Leader must be appointed from among the Ministers. The Cabinet has got the right to appoint any member of this House as the Leader. It is presumed that they carry the majority, being the Ministry of the day. Certainly, they can also appoint anybody they like from amongst the Ministers, if he happens to be a member of this House.

The Hon'ble Mr. NALINI RANJAN SARKER: Technically, Sir, it is quite all right that this kind of complaint brought forward by this House cannot be dealt with by non-Ministers. So, Ministers must be present here to attend to complaints when they arise and set them right.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the complaints that have been made about the lack of adequate staff are not confined to this House alone. I would like to point out, and the reason why I want to impress this upon this House, is this that it is not merely due to the fact that this House has got no Minister from amongst its members that proper respect and attention is not being paid to them. But the reason why we have not yet been able to give adequate staff for the Legisaltive Council and the Legislative Assembly is that it is very difficult to assess or to decide what would be the adequate staff and the complaints that are being made here have already been made in the Assembly. The first point that I want to impress upon this

House so far as the inadequacy of the staff is concerned, is that no differentiation has been made in this matter between the Council and the Assembly. Both are in the same position. The difficulty of the Assembly and the Council Department is that we have got to decide on the staff which would be sufficient during the time when the Assembly and the Council are both sitting when there would be great pressure of work. But at the same time when there are no sittings of both the Houses, there is not much work to be done. Therefore unless we have practical experience of the working of the constitution and the sittings of the Assembly and the Council, it is not possible to decide what should be the adequate staff. We have to wait and gain actual experience before deciding the question of staff. It applies equally to the Assembly and the Council. I would not repeat again and again that there is no question of differentiation between the Assembly and the Council. Once you decide on a staff it is very difficult to reduce it. The members of both the Legislatures are very keen that the expenditure on establishment should be reduced as far as possible (Question). That was the dominant note in all the criticisms of the budget both in this House and in the Assembly. We do not want to commit Government to the staff until we know exactly what staff would be necessary.

Another thing which is most important is that the work in the Assembly and the Council differs from other departments and offices of Government in the province. To be able to do this work we have got to get trained men. There is no question, therefore, that Government have not been able to provide adequate staff either in the Council or in the Assembly. I regret that in spite of demands for assistance Government have not been able to give that assistance. I will look into the matter immediately, and I assure the Hon'ble the President and the Hon'ble the Speaker that if at any time there is pressure of work which it is not possible to carry on with the present staff, Government will lend their officers either from the Secretariat or from other departments to enable them to carry on the work and I say that immediately some assistance will be given to the Legislative Council so that their work can be done properly.

I would in conclusion impress upon the members of this House that at no time and never has any distinction or differentiation been made between the Assembly and the Council. The difficulty is such that it cannot be overcome in the first session. I most respectfully appeal to the Hon'ble the President to realise our difficulty also. We are trying our best to meet the situation which did not exist previously and naturally in the beginning of the first two sessions certain amount of inconvenience and difficulties we are bound to face.

There is another thing which my colleague reminded me of and that is the number of questions that the Government members have got to answer in both the Legislatures. The number is beyond all calculations

although the staff remains as before. The other day from the Legislative Assembly 400 unadmitted questions were sent up, i.e., without considering their admissibility or otherwise they were sent up to the department. There are departments which have got 300 or 400 questions before them and naturally with both the Council and Assembly sitting and with meetings of the Cabinet in the morning the time for answering the questions is very limited. We have tried our best as will be evident if we compare the number of questions that were sent to us with those that were answered. You will find, I am sure, that not more than 15 to 20 per cent. only have been left unanswered. The majority of them were answered in the Council.

The Raja Bahadur of Nashipur drew attention of the House to the notice of a question which he had given. What Government assure the House and you, Sir, is that as soon as it is intimated to Government that the questions which have not been answered should be answered in this session, the Government members will waive the question of proper notice and will reply to those questions. I do not mean that on the first or the second day of the session the questions will be answered, but that they will be answered before the session is over. Unfortunately the Chief Minister is not here otherwise he would have also assured the House that we are trying our best to cope with the difficulties as they arise and to meet them. We regret the inconvenience that is being caused and will try as far as possible in the future to remedy the defects and imperfections that may exist at the present time.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On behalf of my party I am quite willing to accept the assurance that the Hon'ble Home Minister has given that he will lend some officers to do the extra work that has got to be done in this session. But I do not agree with him when he offers the excuse that for inadequacy of staff he could not answer the questions put forward by the members of the House. That is a statutory obligation which the Government have got to fulfil and I think as members of this House we can insist on our questions being answered within a reasonable time. I hope the Hon'ble Home Minister will be able to give an assurance whether his staff is adequate or not that he will take immediate action and see that henceforth such lame excuses are not put forward from the Treasury Benches when answers to our questions are due.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of personal explanation, Sir. Government never put forward any excuse for not being able to answer the questions on the ground of inadequacy of staff. What I wanted to explain, when the Hon'ble the President read out a letter from the Secretary in which it was stated that the questions could not be sent to the Press earlier than on Saturday at 8-30 p.m.

on account of the inadequacy of the staff was, the reason why this inadequacy existed and why Government could not provide for adequate staff to the Council and Assembly from the beginning. I merely in the course of my statement drew the attention of the members to the fact that while the number of questions have been doubled and trebled the staff in the office was the same as before and I only put that excuse for the delay in answering the questions. We are answering all the questions and as I said we are going to answer all the questions that are put to Government before the session is over.

Mr. HUMAYUN KABIR: Mr. President, Sir, we appreciate very much the assurance given by the Hon'ble Home Minister. He suggested that the difficulties of answering the questions were due to the fact that as yet there was no proper experience and therefore it could not be calculated beforehand how many persons would be necessary for preparing answers to the questions in time. Our objection to that is simple. If Government is going to acquire experience, and it takes a long time in acquiring that experience, are the members going to wait till the time in which that experience is acquired? I would like to follow up the suggestion which was made by one of the hon'ble members that if the answers are sent by the respective departments to the Council, it may perhaps be possible for the Council Department to get the thing typed by the help of a duplicator. If that suggestion is followed, to some extent this difficulty could be overcome. If this requires additional staff, there should be additional staff. Our point is that if it is the statutory right of the House to get answers to these questions, the questions must be answered. The excuse of inadequacy of staff is no excuse at all. It is in fact really ignoring the House whatever the Hon'ble Home Minister might say.

With regard to the point that the questions would be answered some time, we know that, but it may be this session, this year, next year, some time, never. We know that to the questions of which notices were sent long before the session, no answers were forthcoming, and yet the Hon'ble Minister was pleased to assure us that if we wanted answers to our questions, we would have to wait and the answers would be forthcoming! I think this sort of delay of an unspecified time in answering questions will not satisfy us at all.

The Hon'ble Mr. SYED NAUSHER ALI: I rise only to clear a misconception which is at present hanging round the whole question. To my mind the difficulty has arisen only from inadequacy of staff in the Legislative Council. Many of the questions put by the hon'ble members of this House were sent to the departments concerned without scrutiny and without admission and then on the last occasion you were pleased to say that fifteen days will run from the date of admission of a question. Now, Sir, I do not know of other departments, but I can

say with regard to one question of my department which was sent in long ago, but subsequently it was admitted only on the 31st August. We have already sent in the reply and that reply relates to a question put by my friend the Raja Bahadur of Nashipur. Perhaps he was thinking of one of these questions——

Mr. PRESIDENT: Much time has already been taken up in this discussion and the Hon'ble Home Minister has explained the situation at some length. I fully appreciate the point that he made. I do not like to make any comparison, but our difficulty is that we have not got experienced staff in the Council Department. All the experienced staff of the old Council Department are now in the employ of the other House and the Hon'ble Home Minister must take some time to estimate what staff will be adequate for our purposes. As has been pointed out by the Maharaja of Santosh, the Hon'ble Minister should not take much time to provide the Council with adequate staff, so that work of the Council may not suffer.

Short-notice Question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether 150 boarders of the Rajshahi College Hindu Hostel went on hunger-strike on the night of the 24th August last?

If the answer be in the affirmative did they do so as a protest against the order of the authorities to vacate the second block of the building for the accommodation of three Moslem students?

Are Government aware that most of the boarders observe caste rules?

What were the grounds which precisely led the authorities to admit the non-Hindu boarders in the Hindu Hostel?

Do the Government intend to close down the Rajshahi College?

Mr. PRESIDENT: I understand that the Hon'ble Mr. Nalini Ranjan Sarker will answer on behalf of the Hon'ble Mr. Fazlul Huq.

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): An amicable settlement of the whole Rajshahi College affair is under consideration and therefore Government do not propose to answer this short-notice question.

Mr. PRESIDENT: There is notice of another short-notice question from Mr. Lalit Chandra Das.

The Hon'ble Khwaja Sir NAZIMUDDIN: That will be answered later on as the answer is not yet ready.

Mr. LALIT CHANDRA DAS: Sir, a promise was made on Friday that the answer would be ready to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: I did not then know the nature of the question.

Mr. PRESIDENT: It is not necessary to explain if you are not willing to answer the question now.

Mr Kader Baksh has also a short-notice question. Is the Hon'ble Minister in charge of the Department ready to answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I remember to have approved of the reply, but I am afraid it has not yet been printed. I have not got anything here with me.

Rai BROJENDRA MOHAN MAITRA Bahadur: My question also refers to the Rajshahi College.

Mr. PRESIDENT: The difficulty can be avoided if the Hon'ble Ministers who are not agreeable to accept short-notice questions—it is entirely at their discretion to accept them or not—please inform the office that they are not ready to accept short-notices.

NON-OFFICIAL BILLS.

The Bengal Relief to the Poor and Unemployed Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to move that the Bengal Relief to the Poor and Unemployed Bill, 1937, be circulated for the purpose of eliciting public opinion thereon by the 30th November, 1937.

Sir, this is a very simple bill which requires of the Government to place annually a certain amount of money according to its discretion at the disposal of the Collectors of the districts for granting short-term loans to the unemployed agricultural labourers during off season and for gratuitous relief to the disabled indigents during such season. In view of the fact that this bill, if enacted and brought into operation, would involve expenditure from the revenues of the province, I have not purposely fixed the amount to be paid to each Collector. Government would be able to contribute any amount they liked in any particular year and could vary it from district to district according to the requirements of each. I do not like to tie the hands of the Government, but all I want, is that with the passing of this bill into an Act, Government will accept the principle that it is one of the duties of the State to give relief to the unemployed and to the indigents. Sir, be it mentioned to our shame and disgrace

that up till now our legislature have never thought of enacting any poor law although such laws have been in existence in other civilised countries from centuries past. In England poor laws were first introduced in 1601 and in Arabia they were introduced during the Prophet's time in the early part of the seventh century and recognised as one of the most cardinal principles of religion and enforced with utmost rigour. My bill attempts at a modest beginning in this direction and I am sure, Sir, there is none in the House who can object to the principle underlying the bill. There may be, however, some difference of opinion in the details and these could easily be settled by a Select Committee. But as I could not yet ascertain the views of His Excellency the Governor as to whether the necessary recommendation, as required under section 82(3) of the Government of India Act, 1935, will be made by him, I have thought it better to move for circulation so that the Minister who is to advise Government in this matter may have sufficient time to think over and give his opinion.

Mr. President, Sir, through you I would appeal, however, to the Hon'ble Revenue Minister to consider this bill—the very first legislation of its kind in Bengal—with the sympathy and consideration it deserves. Sir, if a modest legislation like this which does not really involve any appreciable burden on the revenues does not receive sympathetic consideration from popular Ministers the idea will gain ground that in spite of the reforms the angle of vision has not changed and the inauguration of the much advertised reforms was only a farce and a mockery.

Sir, our popular Ministers must show by their action and not by mere words that they accede to popular demand and they really feel for the poverty-stricken masses. We have got mass upliftment in our programme but how can we expect to achieve it if we are unwilling to raise our little finger to help the inarticulate mass in protecting themselves and the members of their family from sheer starvation.

With these remarks, Sir, I move the bill for circulation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I at this stage have your ruling on one point? Because His Excellency the Governor has not recommended the consideration of the bill, shall I take that objection now or at a later stage?

Mr. PRESIDENT: If you want to take any legal objection you should take it at the earliest stage.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would draw your attention to section 82(3) of the Government of India Act, 1935, where it is laid down that "A Bill which, if enacted or brought into operation, would involve expenditure from the revenues of a province

shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill." Whether it is now at the consideration stage or not, on that point I ask your ruling.

Mr. PRESIDENT: I think I should make this clear, because it may be necessary in other cases as well. In the history of parliamentary legislation it is well known that in many a bill that emerges from the Select Committee almost every sentence is changed in the Select Committee, excepting perhaps the preamble and title of the bill. Nobody is in a position to say at this stage what will be the final shape of the bill, so the proper time for making objection is when the bill will be moved for being taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Clause (*3*) says that a bill if enacted and brought into operation would involve expenditure. I ask for your ruling on this point.

Mr. PRESIDENT: The bill has already been introduced.

Mr. NAZIRUDDIN AHMAD: The question is not the bill as it is likely to emerge from the Select Committee but the bill, as it stands, would involve expenditure from the revenues of the province.

Mr. PRESIDENT: I think you are rather too late to oppose introduction of the bill now.

Mr. NAZIRUDDIN AHMAD: Sir, I simply wanted to draw your attention.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Do I understand, Sir, that it is your ruling that my objection should not be preferred at this stage?

Mr. PRESIDENT: The proper time would be when it emerges from the Select Committee or when it is taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no proposal for the Select Committee at this stage. It is merely for circulation.

Mr. PRESIDENT: When the stage for consideration or passing of the bill will come then you can raise your objection.

The Hon'ble Mr. H. S. SUHRAWARDY: After the consideration of the bill if the Governor's permission has not been given to the consideration of the bill, then all the time that the House has taken to consider the bill from the beginning until it emerges from the Select Committee will be a waste.

Mr. PRESIDENT: The Hon'ble Minister will appreciate that, it may be so changed in the Select Committee that Government may not have any ground to raise any objection. At this stage you do not know what shape the bill will take. By accepting the motion for eliciting public opinion the House is not even committed to the principle of the bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But if the bill is referred to the Select Committee, as this bill involves a large expenditure, will not the House be committed to the principle of expenditure?

Mr. PRESIDENT: That is not the point at issue. The question of expenditure is not the principle of this bill. The principle of the bill is quite different. So far as this particular bill is concerned, the principle is to give relief to the poor and the unemployed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Relief out of public revenues.

Mr. PRESIDENT: It may be so, but that is not the principle of the bill. On that issue the Minister may object to the particular clauses; but so far as the principle is concerned that is for the House now, to decide whether to accept the principle of giving relief or not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the bill is referred to the Select Committee, will not the House stand committed to the principle that relief should be given to the poor and unemployed out of public revenues.

Mr. PRESIDENT: That House is committed only to the principle that relief should be given.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think it is a very important ruling and it affects both Government and the House vitally,

from what you have said just now. In reply to a point raised by Mr. Naziruddin Ahmad you said that the question of objection should have been taken before, that is, at the time of the introduction.

Mr. PRESIDENT: Mr. Naziruddin Ahmad raised a different point altogether. He was not referring to section 82(*3*) but was referring to section 82(*1*)(*b*).

Mr. NAZIRUDDIN AHMAD: I was referring to section 82(*3*).

Mr. PRESIDENT: Section 82(*3*) does not deal with introduction of bills, and you raised objection about introduction.

Mr. NAZIRUDDIN AHMAD: Sir, I was only drawing your attention to what you have yourself said about the words "shall not be passed". That is the authoritative clause. Therefore, as you have said, the question may be discussed from the point of view of this section. The House can take into consideration section 82(*3*) and say that it will leave that portion which involves "if enacted and brought into operation would involve expenditure from the revenues of a province". If that is the authoritative reference, the recommendation of the Governor will not be necessary for the consideration of a bill.

Mr. PRESIDENT: The hon'ble member is conceiving of one particular case. I can think of hundred others, how a bill in the Select Committee may come out in a shape that Government may not have reason to take any exception to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, your ruling was that if the principle was not the question of expenditure from Government funds, then it could be referred to the Select Committee and the House will not be committed to expenditure. Supposing the fundamental principle behind the bill is the question of expenditure from Government fund and it is referred to the Select Committee, the House is committed to the principle. In that case Government must also be committed; if that is accepted, how can the Governor refuse permission.

Mr. PRESIDENT: Even if the bill is referred to the Select Committee, there is no difficulty as the Governor is not bound to accept the decision of the Select Committee. The proper time to take exception is at the third reading of the bill.

The motion that the Bengal Relief to the Poor and Unemployed Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1937, was put and agreed to.

The Bengal Fisheries Bill, 1937.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to move that the Bengal Fisheries Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Agriculture and Industries Department,

(2) Mr. Lalit Chandra Das,

(3) Mr. E. C. Ormond,

(4) Khan Bahadur Ataur Rahman,

(5) Mr. Indu Bhusan Sarker,

(6) Mr. Naresh Nath Mookerjee,

(7) Mr. Mesbahuddin Ahmed, and

(8) the mover,

with instructions to submit their report by the 30th November, 1937, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, in moving the reference of this bill to a Select Committee, I would like to submit before this House that this bill is as important a piece of legislation as that of the Bengal Tenancy Amendment Bill, or rather——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise on a point of order. Has the honourable mover taken the consent of the members as to whether they are willing to serve on the Select Committee?

Mr. PRESIDENT: It is to be presumed that Mr. Chakraverti has got the consent of the members whose names he has proposed. It is usual to obtain the consent before putting in the name. As this House is new and if it is not known to the members, I would remind them that before proposing names for a Select Committee the members whose names are put in, should be consulted.

Mr. HUMAYUN KABIR: Sir, may we not take it that if no objection is taken by the member concerned to serve on the Select Committee, it is tantamount to consent?

Mr. PRESIDENT: It is a matter of etiquette that the consent of the member concerned should be obtained before his name is proposed. I desire hon'ble members to secure the consent of the members concerned before putting in their names.

The Hon'ble Mr. H. S. SUHRAWARDY: Are we not to understand that before an hon'ble member moves that a bill be referred to Select Committee, he should hand over to you, Sir, the consent in writing of the members who are to serve on the Select Committee?

Mr. PRESIDENT: I shall see that this rule is observed. At this stage, I would request members who want to move for reference to Select Committee to obtain the consent of the members before putting in their names.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, as I was pointing out, it is as important a piece of legislation as that of the Bengal Tenancy Amendment Bill. In fact it may be more important in this sense that already the tenants have got some rights, whereas these fishermen who have been neglected for centuries have no rights whatsoever in the eyes of law. I may say that twenty-five lakhs of them are being neglected and they are rotting in this profession. They are merely earning money for the benefit of the people who have got vested interests in these fisheries. I may point out that the old Government gave attention to this point as long ago as in the year 1908, when this matter was placed in charge of Sir K. G. Gupta, the then Commissioner of Fisheries. In this connection I may, with your permission, Sir, read out an extract from his report which will throw light on this point:—

"The body of fishermen have legitimate rights, which must be recognised by the State. The rights of labour cannot and ought not to be ignored. Both on account of their numbers, of the households dependent upon them, and on account of the other industries involved in, and bout up with the fisheries, the fishermen have a recognised claim to consideration. The Permanent Settlement has not stood in the way of measures being taken to regulate the relations between landlord and tenant, and various enactments have been passed in the interest of both. The mere fact that fishery rights in some waters have been given to private parties should not be an obstacle to the passing of such laws and regulations as are calculated to conserve the fishery and increase the fish supply of the country." (Sir K. G. Gupta's Report on Fishery Matters, 1908, pages 102, 104, section XII.)

Mr K. C. De also stated this in his report regarding the fisheries of Eastern Bengal and Assam:—

"The supply of fish in this province is much shorter than the demand and that this supply is steadily diminishing while the price of fish is increasing. Fish is admitted to be a most important article of diet among the inhabitants of this province and may be considered to be a necessity and not a luxury." (Report on Fisheries of Eastern Bengal and Assam by Mr. K. C. De, 1910, page 73.)

Sir, this report was made in 1910.

"One factor which operates towards the wholesale massacre of all the edible inhabitants of the fisheries in the short term for which they are leased out. The term is too often only a year, which means one fishing season. The leasee, bent on making the most profit within the period of the lease, does not hesitate to capture and kill every fish mature or immature. He admits that many of them would have grown if spared for a year and fetched a many times higher price, but he argues that the benefit of the higher price would have been reaped by the next year's leasee, who may not be himself. (*Ibid*, page 72.)

Owing to fishermen not owning much land and to the precarious nature of their calling, they have small security to offer, and consequently they have to pay very high rates of interests on the Padma and the Jamuna, the rate is often 75 per cent. for one season and sometimes more. The poorer fishermen have often to borrow money for their maintenance in the slack season and also for marriages. For these loans, they have often to pay as much as 150 per cent. per annum. The middlemen are not often in debt, but the actual fish-catchers are almost invariably indebted either to the middlemen or to the *mahajans*."

Mr. K. C. De in concluding his report makes some pertinent remarks on improving the conditions of fishermen. He says that their work is arduous and sometimes dangerous and their profits are largely swallowed up by the middlemen and proprietors of fisheries. It appears to him that the only way to secure that they should reap the full benefit of their labour is to teach them co-operation.

Sir, it is quite clear that the previous Government already paid attention to that by appointing a responsible officer to enquire into these facts and publish a report on it. I do not know why Government did not give effect to this recommendation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Which Government?

Mr. SHRISH CHANDRA CHAKRAVERTY: The previous Government of 1908. I think the Hon'ble Minister can enlighten me upon the point later on. I put it to the House—whether it considers this matter on the same footing as that of the men who work on the land. As these men work on the water, they suffer always from the inclemency of the weather: they have to fight with the elements and they have to suffer all sorts of privations which a human being is not expected or likely to suffer. I submit to this House that it should take up the matter in right earnest. I find that there are many gentlemen here who represent the cause of Kishak-Praja and should view it in the same light as the tenants on the land. I further know that our Finance Minister presided over a conference of the fishermen and, if I remember aright, he took a sympathetic view, of the cause of fishermen.

The Hon'ble Mr. NALINI RANJAN SARKER: Who does not?

Mr. SHRISH CHANDRA CHAKRAVERTY: I should say that every Bengalee who is known to be fish-eating, should not neglect the persons who feed them and should try to improve their lot.

With these few words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: The motion that the Bengal Fisheries Bill, 1937, be referred to a Select Committee has been moved and it is for the movers of the amendments to move their amendments.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Hon'ble Minister in charge of the Department to which this bill relates is the Revenue Minister and not the Minister in charge of the Industries Department. Although this looks like an industries matter but the bill is purely a revenue question. In this connection I may say that the advantage of having the consent of the member before putting in the name is that if this matter had been referred to the Hon'ble Minister, the name of the proper Minister would have been put in. So I would suggest that before the motion is put formally, the mover of the motion will perhaps add the name of the Hon'ble Sir Bijoy Prasad Singh Roy.

Mr. PRESIDENT: It shall have to be moved by another member at a later stage, because the original mover cannot amend his motion. I now call Mr. Mesbahuddin Ahmed to move his motion No. 3.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have got motion No. 2A which is in the Supplementary Agenda. May I have your permission, Sir, to move it before Mr. Mesbahuddin Ahmed, although it is the same motion?

Mr. PRESIDENT: The President has a right to call anybody he likes. Although it is the same motion, I have already called Mr. Mesbahuddin Ahmed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My motion has been numbered 2A and that of Mr. Mesbahuddin Ahmed as No. 3. This has been done by your department and I think I should therefore have the first preference to move my motion. It does not matter however who moves it.

Mr. HUMAYUN KABIR: On a point of information, Sir. This item 2A reached us only this morning, whereas item 3 reached us some time ago.

Mr. PRESIDENT: I should like to know from Secretary as to whether the motion of the Hon'ble Minister was received after that of Mr. Mesbahuddin Ahmed.

The Secretary (Mr. K. N. MAJUMDAR): The Hon'ble Minister's motion was received some time after the motion of Mr. Mesbahuddin Ahmed.

Mr. PRESIDENT: In that case I call upon Mr. Mesbahuddin Ahmed to move his motion first, and the Hon'ble Minister will have an opportunity to speak later on.

Mr. MESBAHUDDIN AHMED: I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon.

I should like to say that this is a very important Bill affecting a very large section of the people. It affects their rights and their status. It will, therefore, be quite proper if the House would obtain the views of various sections of the people affected as well as various other interests of the province. I hope the hon'ble mover will accept the amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can assure the hon'ble mover of this bill that I have got as much sympathy for the poor fishermen as he has and that Government are prepared to examine the whole question of the rights of fishermen when they have a little respite. In fact during the last session of the previous Council a non-official bill was introduced by an hon'ble member and Government gave an assurance that they would carefully go into the whole question and decide their line of action. Unfortunately nothing was done.

The bill proposes to confer certain rights on fishermen on the lines of the occupancy rights in land. Sir, I do not know if it is possible to confer occupancy rights on fisheries, because it is difficult to assess what would be the fair rent for a fishery. We do not know actually the value of the produce. It is so uncertain and so fluctuating. The second point is that it is proposed under clause 3 of the bill that the lease should be for no less a period than three years. Instead of giving relief to the fishermen it may operate very harshly, because in most cases the fishermen might be losing money and the fishery may be a losing concern. If the minimum period of lease is fixed at three years, it may be difficult for a fisherman to carry on his business. All these questions require very careful examination before Government can agree to commit themselves to the provisions of the bill. They have not even adequate facts at their disposal at present, and they would like to have public opinion on an important measure like this. Mere analogy of the occupancy rights under the Bengal Tenancy Act should not be our guiding principle. I would, therefore, support the motion that has been moved by my hon'ble friend Mr. Mesbahuddin Ahmed, and I can assure the House that Government are prepared to go into the question very carefully and see how they can improve the lot of fishermen. But the middleman is not always a handicap, is not always a curse. The fisherman may prefer to hand over his produce to the middleman on the spot

instead of sending it to markets at distant places. It may not pay him to do so. So all these facts will have to be enquired into before legislation can be undertaken. A hasty legislation of this nature without sufficient facts will neither help Government nor help the landlord nor the fisherman in whose interest the bill is supposed to have been introduced.

Then there is another very important proposal in the bill. It prevents Government from settling fisheries with people other than a fisherman as defined in this bill. The definition is very vague, very unsatisfactory and very wide. I will just read out the definition. "'Fisherman" shall indicate any *bona fide* fisherman who catches fish with net, hook or other contrivances for selling and thereby maintain himself and his family and whose chief business in life is fishing.' This is not a very satisfactory definition. It is very wide and may include people whom the hon'ble member does not really intend to include. On these grounds I request him not to press his motion for reference of the bill to a Select Committee but to agree to the bill being circulated at this stage. And when we have more facts and materials at our disposal we shall bring forward a measure.

Mr. SHRISH CHANDRA CHAKRAVERTI: In view of the opinion expressed by some of my friends here, I desire to accept the amendment provided a definite time is given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But in my amendment the time is given as 31st March, 1938.

Mr. PRESIDENT: In that case you can move a further amendment adding the words "by the 31st March, 1938." I should like to have the opinion of the House to allow the Hon'ble Minister to move a further amendment.

(No objection was raised in the House.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the words "by the 31st March, 1938" be added after the word "thereon" in the motion of Mr. Mesbahuddin Ahmed.

Mr. SHRISH CHANDRA CHAKRAVERTI: In view of the amendment being moved by the Hon'ble Minister, I beg leave of the House to withdraw my motion.

The motion of Mr. Shrish Chandra Chakraverti to withdraw the motion for referring the bill to a Select Committee was put and agreed to.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On a point of order, Sir. When a motion to circulate a bill for eliciting public opinion thereon has been agreed to, does not the motion for reference to a Select Committee automatically fall to the ground? Is it your ruling, Sir, that the motion must be withdrawn at this stage?

Mr. PRESIDENT: Yes, that is my ruling.

Mr. INDU BHUSAN SARKER: Mr. President, Sir, in rising to support the circulation of the Bengal Fisheries Bill, 1937, sponsored by my hon'ble friend Mr. Chakraverti, I do not for a moment want this House to think that the lot of the teeming fishermen of this province is one of the best, or that no legislative enactment is necessary to safeguard their legitimate interests. I should like to make my position perfectly clear at the very outset so that there may be no mistake about that——

Mr. SACHINDRA NARAYAN SANYAL: On a point of order, Sir. Was Mr. Chakraverti's Bill for circulation or for reference to Select Committee?

Mr. PRESIDENT: Mr. Chakraverti's motion has been withdrawn by leave of the House. The only motion now before the House is for circulation.

Mr. INDU BHUSAN SARKER: My main contention against the bill is that it lacks thoroughness and conceived in the hurry of the legislative enthusiasm of my hon'ble friend. In any legislation concerning fishermen in a predominating riparian province like Bengal, one must have to take into consideration quite a number of problems not merely of rights but also of grave economic importance. As this House must be aware, the total fisherman population of Bengal, according to the Census Report of 1931, is nearly five lakhs, and of this fishing is the main occupation of nearly two lakhs of our population. Any legislation concerning this vast number must be conceived after proper enquiry of facts and figure and the question of age-old rights involved in it.

Again, Sir, it has been said by authorities that in Bengal the number of fish-eating population is over one crore and for them the daily requirement of fish is nearly 64 thousand maunds per day the value of which, at a modest computation, comes to nearly Rs. 24 crores per year. Now, Sir, a legislation concerning such a matter of stupendous economic importance should not, in my opinion, be undertaken in a tinkering manner.

Sir (another objection against the bill is that it does not seem to take into consideration different kinds of fishery such as, river fishery, *jhil*, *beel* and tank fishery, estuarian fishery and deep sea fishery. If the definition of "Fishermen" as given by my hon'ble friend in the bill is to be given a legal sanction, I do not think how men plying their trade in these different regions could be left out. I am, therefore, of the opinion, Sir, that the bill shows a hurried draftmanship——

Mr. HUMAYUN KABIR: Since the original mover has withdrawn his motion and the discussion is about circulation, is it necessary to discuss the provisions of the bill as having been hastily drafted?

Mr. PRESIDENT: On a circulation motion the speech should be confined generally as to the necessity for circulation and as such he can refer to the bill as having been hastily drafted.

Mr. INDU BHUSAN SARKER: My next objection against the bill is that although it proposes to confer some rights to the fishermen and protect them from the exactions of intermediaries and landlords, it does not seem to have taken into consideration the existing rights they already possess and the safeguards provided for in various kinds of legislations. I submit, Sir, with the various ameliorative measures that the present Government are sure to bring forward to improve the condition of the masses, fishermen in our province must automatically come to share their benefits so that no tinkering legislation might be necessary to safeguard their interests. The drastic amendment of the Bengal Tenancy Act, now on the legislative anvil, will already have a sobering effect on those who still believe in extra-legal exactions and which the present bill seeks to prevent.

Sir, a word more and I will have finished. I want this House to realise that the problem of fishing and fishermen needs a thorough enquiry both from the point of view of rural uplift and from the point of view of the economic rehabilitation of this province. Any legislation, therefore, must be preceded by a thorough and scientific enquiry for a comprehensive and well-thought-out plan in this direction. Hurried legislation of this nature will hamper the consummation of such a constructive plan of work. I expect, in this connection, an assurance from the Hon'ble the Nawab of Dacca that as a preliminary to the consideration of this vast problem, the Government would consider the revival of the Fisheries Department under the Director of Industries in the line of the Government of Madras and forthwith launch upon an enquiry into the problem. It is with this hope and expectation and for reasons I have just submitted before this House that I support the bill for circulation to elicit public opinion.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addresed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir there are no two opinions on the question of fishermen being terribly oppressed by zamindars and their officers. Hence, I am prepared to give my wholehearted support to any legislation that may be necessary for protecting those who are engaged in the fishing industry against this oppression of the zamindars. But I can on no account justify the whitling down of the right all along enjoyed by the peasants, workers and householders in the matter of fishing in *bils* close to their village. If this right of the peasantry is maintained intact and provisions are made in the present bill for protecting fishermen against the zamindars and their officers, it will certainly be backed by the public.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, I shall be extremely short. With regard to this bill the definition of "fishermen" is extremely inadequate and extremely misleading. In trying to repudiate the monopoly of a certain class of men, and in trying to do some amount of benefit to *bona fide* fishermen—although it is not known what that class really means—I do not know whether we are going to do an injustice to the poor fish-eaters.

Now, Sir, as regards the entire bill, there are some controversial matters too, and when public opinion is obtained, the matter should be thoroughly reconsidered and a fresh bill will have to be drafted before anything useful can be found out of this bill. That is all, Sir, I have to say.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, my friend who spoke from the other side wanted some assurance from me as I am in charge of Fisheries as well as of Industries. I wish to inform the House that I have already decided to revive the fishing industry, and for that purpose I have made provision in the budget which has been passed by the Assembly, for a committee. This will enable us to go thoroughly into the whole question of survey of the fishing industry—sea-fishing, estuarine fishing, and inland fishing. I hope, within a very short time after the report is received, to place it before both the Legislature.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, though I fully appreciate the feeling of anxiety of the hon'ble mover to ameliorate the condition of the fishermen by introducing this bill, I regret that on a careful analysis of the bill I cannot see eye to eye with him in this case. A careful study of the bill leads me to think that it is intended to take away some rights of the proprietors in the fisheries.

which, to my mind, seems to be quite unjust and uncalled for. I find, Sir, in clause 4 that any tenant may at any time apply to the Collector or any officer empowered by him in this behalf for the settlement of the fair rent of the fishery——

Mr. PRESIDENT: Khan Sahib, I think it should be borne in mind that at this stage it is not even a motion for the Select Committee where principles are to be discussed. You are merely to point out the items on which it is desirable that the House should have the opinion of the public. It is in a Select Committee motion that the principles of the bill should be discussed. So, on a motion to elicit public opinion you need not go into all that.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, I was exactly under the same impression that at this stage I should not deal with principles. But when I found that other hon'ble members were doing so, I could not resist the temptation of following their examples.

Mr. PRESIDENT: But yours is not a maiden speech.

Khan Sahib ABDUL HAMID CHOWDHURY: However, Sir, I bow down to the decision of the Chair, and I shall try to be as brief as possible.

I have already said that this bill seems to me quite unnecessary, and I think an injustice will be done to the proprietors of fisheries if this bill is enacted into law. With these observations, Sir, I oppose the motion for circulation.

Mr. RANAJIT PAL CHOUDHURY: Mr. President, Sir, considering that this House has accepted the motion for circulation for eliciting public opinion, may I submit that the question be now put, as we are now not considering any details?

Mr. PRESIDENT: Well, it does not require a speech to move that the question be now put.

Mr. SACHINDRA NARAYAN SANYAL: Mr. President, Sir, I only want to say a few words as regards the remarks of Khan Sahib Abdul Hamid Chowdhury, regarding proprietary rights in the fisheries. And this is that we must all forget everything about proprietary rights here. Otherwise, I support the motion.

The question that the bill be circulated for the purpose of eliciting opinion thereon by the 31st of March, 1938, was then put and agreed to.

Mr. PRESIDENT: The motion is adopted.

The Bengal Municipal (Amendment) Bill, 1937.

Mr. NUR AHAMED: Mr. President, Sir, I beg to move that the Bengal Municipal (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Syed Nauser Ali, Minister in charge of the Public Health and Local Self-Government Department.

(2) Mr. Lalit Chandra Das,

(3) Mr. Humayun Kabir,

(4) Khan Bahadur Saiyed Muazzamuddin Hosain,

(5) Khan Bahadur M. Abdul Karim,

(6) Mr. Shrish Chandra Chakraverti,

(7) Mr. T. Lamb,

(8) Khan Bahadur Ataur Rahman, and

(9) the mover,

with instructions to submit their report by the 15th November, 1937, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, in moving this motion for reference of the bill to a Select Committee, I beg to say a few words in delineating the main principles of the bill and the purposes of the same. I would refer the hon'ble members of this House to my Statement of Objects and Reasons wherein I have tried to explain the purpose and the main principles of the bill as briefly as possible. By my first clause I propose to do away with the system of nominated commissioners in municipal bodies. This is a principle which has not only been admitted, but is also in operation under the new Government of India Act. We have now got a fully elected body which is called the Indian Parliament and Provincial Assemblies. There this system of nomination has been done away with. There is no reason why this system should be continued in bodies which have been in operation for many years and which are also working within limited areas for the betterment of their citizens. This is a principle, I presume about which there can be no difference of opinion amongst members of this House.

Sir, Upper Houses are sometimes called reactionary Houses. But let us take the case of this House. The Bengal Legislative Council, Sir, is as much progressive and is as much radical in principle as any other body in this province or in India or in any other country.

The second principle underlying the provisions of this bill relates to the introduction of adult franchise. There is a growing volume of opinion in the country for the introduction of adult franchise and the

present Minister in charge of Local Self-Government Department is, I know, in favour of adult franchise. If I remember aright, he and myself were both examined before the Lothian Committee and there he advocated election by adult franchise, and this is a thing which has been adopted by all civilized countries and in some form in the Indian Assemblies even. The only objection which is urged against the introduction of this principle is that there are physical and practical difficulties and disadvantages in the way of its actual operation. But as regards the question of introducing this principle into the municipalities there cannot be any objection, because a municipality is a cohesive body, because a municipality's operation is confined to a small area only. From the census figures, Sir, it will further appear that out of 118 municipalities only, three, four, or five municipalities have got a population of 60,000, and above, while there are municipalities which have as low a population as 5,000, 4,000, or 9,000, or 10,000; so, there will be no difficulty as regards that.

The third principle incorporated in my bill is that the life of municipalities should be extended from four to five years. As regards this point, it is self-evident since very recently, by Act XIV of 1936 the life of district boards has been extended from three to five years, and the life of the Provincial Legislative Assemblies also has been increased from three to five years. So, there is no reason why the same should not be done in the case of municipalities.

The fourth main provision is about the exemption of places of worship from paying assessments.

In my humble opinion there is an anomalous state of things under section 125 of the Bengal Municipal Act. Places of worship have been exempted from payment of house rate, but they are subject to conservancy, light and other rates. Many members of this House are aware that mosques and temples are practically unowned as there cannot be any owner and as a result of the assessment of conservancy and other rates, except house rate, there is a great accumulation of arrear rates and ultimately they had to be written off, as many of the municipalities cannot realise anything from the mosques and temples. Lastly there are minor modifications in my amending bill. At this stage I need not dilate upon these, but the only thing I would like to submit to the House is the advantage of a proviso compelling the municipalities to spend ten per cent. of their income on education. This provision in the present circumstances of the country appears to be necessary. According to the circular municipal corporations have to spend three per cent. of their income on education and a perusal of the Government report on the working of the municipalities will show that most of the municipalities do not spend this minimum. There is a neglect of duty on the part of the municipal corporations in the imparting of primary education.

With these words I appeal to the House to support this motion for reference of the bill to Select Committee.

The Hon'ble Mr. SYED NAUSHER ALI: I beg to move that the bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1938.

I should like to state that the ideal is that the entire body of these self-governing institutions should be elected and there should be no nomination. It is also the idea that there should be adult franchise instead of restricted franchise which we have got now. It is also admitted practically in all quarters that much more money should be spent on primary education. In fact the idea is that primary education should be made free and compulsory as early as possible. There may be difficulty with regard to this in the rural areas, and it may be desirable to introduce primary education earlier in the urban areas. Now, Sir, so far as the intention of this motion is concerned, I think it will be admitted on all hands that this is the ideal we aim at. There can be no two opinions on that. Whatever our individual opinions and inclinations and however strongly we may individually feel that a particular course of legislation should be adopted at once——

Khan Bahadur ATAUR RAHMAN: Sir, we are being very much disturbed by the table talk which is going on and we cannot hear the Hon'ble Minister.

The Hon'ble Mr. SYED NAUSHER ALI: Perhaps the reason is that I have not been able to create an impression on the House and that account for the disturbance.

I think I have made certain statements which are very important from the viewpoint of the local self-government in this country. Now, Sir, the bill proposes to do away with nomination at once; the bill further proposes to introduce adult franchise at once. Some of us no doubt hold very strong opinion on this point; but there may be others who do not see eye to eye with us. This is a very important matter; it goes to the very root of the constitution of the municipal bodies. Therefore I think in fairness to all concerned to all communities, that opinion should be invited before we undertake legislation on this matter. That is why I have moved this motion for circulation of this bill for eliciting public opinion Certain arguments have been put forward for adopting this bill and for passing it into law and that is no doubt the reason why the hon'ble member in charge has introduced it. I do not propose to criticise in detail the arguments that have been put forward but may perhaps mention one thing. He has said that there is no nominated element in the Legislative Assembly and consequently there ought

not to be any nominated element in the municipal body. Holding the opinion as I do, I do not want to advance any argument against that argument, but it is well known that for the Legislative Assembly there is separate electorate to which I personally do not subscribe. I do not want to dilate on this point. But I want only to lay stress on one point. As this piece of legislation wants to go to the root of the constitution of municipal bodies and as it wants to impose upon all municipalities in the *mufassil* of Bengal an obligation to spend ten per cent. of their income on primary education alone and as it proposes to exempt a certain class of persons or holdings from certain taxes, it is only fair that the municipal bodies in the province should be consulted or their opinion taken before we undertake any legislation whatsoever. With these remarks I commend my motion to the acceptance of this House, and I request the hon'ble member in charge to withdraw his motion for reference of this bill to a Select Committee and for kindly accepting my motion for circulation.

Mr. HUMAYUN KABIR: I rise, Sir, to oppose the motion for circulation moved by the Hon'ble Minister for Public Health and Local Self-Government, and I propose to do so on some of the grounds mentioned by the Minister himself. He has assured us that he has every sympathy with the principles of the bill. We know it; both inside the legislature and outside, he has given expression to the opinion that the practice of nomination is responsible to a great extent for the corruption which so often obtains to-day in public life in the local bodies. He has admitted that to a great extent the principle of local self-government is negatived by the fact that it is possible for a designing person to manage to cajole nominations to particular bodies and in this way to be elected the Chairman of the municipality, even though he does not enjoy the confidence of the majority of the elected members. In a word, the result of nomination to local bodies has been that it is necessary for a person to be more in the good book of the particular local authority than in that of the people of the locality concerned in order to become the Chairman of a particular municipality. From that point of view, the practice of nomination has altogether defeated the purpose of local self-government.

I admit that it is often said that nomination is there in order to protect the interests of the minorities. This is not correct, as we very often find that nomination goes on party lines. I submit that in the Minister's own interest and in the interests of the Government, it is necessary that the system of nomination must go. At one time, nomination was regarded as a way in which Ministers could exercise some influence over the members of the legislature, but with the increase in the number of constituencies and the consequent increase in the number of members, it has become impossible to satisfy everyone and

I would suggest that for the stability of the Ministry itself, the principle of nomination should go. If it remains, the Ministry will fall. I do not, however, take my stand on that consideration. My contention for the abolition of nomination is that it is against all the fundamental principles of self-government. If we want real local self-government, let there be no interference from official authorities or even from the Minister himself.

As regards the question of adult franchise, the Hon'ble Minister suggests that adult franchise is very desirable but not practicable. I do not know the meaning of the word "practicable."

The Hon'ble Mr. SYED NAUSHER ALI: Did I say that?

Mr. HUMAYUN KABIR: I beg your pardon. I was taking down notes when the Hon'ble Minster was speaking. He used the words "the bill is misconceived and is not practicable at the present stage." If I have misunderstood him, I will say without any reference to his speech that it is very often said that such a measure is impracticable. Though it is desirable, this bill should not yet be introduced, because, it is argued, it is not practicable to have adult franchise. We know that without adult franchise, no real self-government is possible, whether it be in the provincial or the central Legislature. Practical difficulties may perhaps intervene in the way of complete adult franchise in the case of national bodies. That is an argument we have always heard in the past, but if with regard to the limited scope of the municipalities, if with regard to the limited number of persons and the limited area in which the municipality operates, the same argument is advanced, then to my mind the argument is not worth the paper on which it is written. We know that as a matter of fact larger bodies than the municipalities have in actual operation had not only representative government but also direct government. In the city States of Greece or to come to modern days, in the cantons of Switzerland, every adult person is a member of the government and can go and participate in the activities of the *diet* at any time. There is, therefore, no impracticability in adult franchise, and to refuse to extend it to even local bodies is, to my mind, altogether indefensible.

In the matter of eliciting public opinion,—a point which has also been raised by the Minister for Public Health—I submit that in a matter like this, there can be no question of eliciting public opinion. Public opinion is already there for many years inside this legislature and outside we have been demanding adult franchise not only in the limited sphere of local bodies but also in the wider sphere of national legislatures. We have claimed adult franchise in the case of legislatures and it stands to reason that we should claim adult franchise within the

limited sphere of municipalities. Therefore from every point of view it seems that the time has come when we must make experiments and if we are to make experiments, it is desirable that they should be made rather in the local self-governing institutions than in the wider field of national government. On the ground of caution and practicability it is, therefore, necessary that the principle of the adult franchise should now be extended to all local bodies.

With these words I support the motion that the bill be referred to the Select Committee.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, I sent in a notice to move that the bill be circulated. I do not wish to move it, because that has already been moved by the Hon'ble Minister. In supporting the motion for circulation of the bill for eliciting public opinion by the 31st of March next I wish to say only one or two things. It has been said by the hon'ble the last speaker that nominations have no value nowadays. I do not agree that nominations have failed everywhere. There are certain circumstances where nominations have served very useful purposes. Of course there is a natural fear in the minds of some people that nominated persons are undesirable men and subservient to certain interests, but that is not the universal truth. Though something may be said in favour of the abolition of nomination on abstract grounds, but if you try to do away with nominations all at once new difficulties will arise. Nominations are necessary for maintaining and adjusting communal balance and whenever a certain community has less than its adequate shares that is made up to some extent by nominations. The real question is whether the Government would be able to make suitable nominations—and there is no reason why a popular Government cannot—and if suitable nominations are made much inequalities can be made up. Then supposing nomination is abolished and a particular community fails to get itself adequately represented by election, that community might demand separate electorate as a compensation for maintaining its own communal balance. So the House will have to consider whether it would agree to be driven back to separate electorates by abolishing nominations altogether.

The hon'ble the last speaker said that the Hon'ble Minister has expressed certain personal views that he is very much in favour of certain principles of the bill and he later said that he does not understand why, in the face of this, the Hon'ble Minister would again move for circulation of the bill. He has charged the Hon'ble Minister with inconsistency. I submit that it is absolutely consistent on the part of the Hon'ble Minister to hold even strong personal views and at the same time to wish to know the views of the general public at large. It shows that he has got clear cut ideas, but at the same time it also shows that he is open to conviction and he is ready to hear what others have got to say and to give the benefit of the same to the House. I

submit that hasty legislation on an important matter like this without consulting public opinion would show impatient idealism which is a very bad thing after all.

With these words I submit that the motion for circulation for the purpose of eliciting public opinion should be carried and I hope that the hon'ble the mover of the original motion will accept this.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech :—

Mr. President, Sir, if the majority community do not look to the interests of the minority community, the interests of the minorities in municipal areas are most likely to suffer. The interests of the minorities have the greatest chance of being safeguarded in case the system of nomination in municipal elections is maintained. I am a municipal commissioner. Had there not been the system of nomination, I could never have found any chance of entering into a municipality. Hence, it is but proper that the nomination system should be incorporated in a legislative measure with a view to protect the interests of the minorities.

Mr. NUR AHAMED: Mr. President, Sir, in view of the speech of the Hon'ble Minister in charge of Local Self-Government, I beg to withdraw my motion for reference to a Select Committee and accept the motion of the Hon'ble Minister.

The leave for the withdrawal of Mr. Nur Ahamed's motion for reference to the Select Committee was objected to.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: For future guidance may I know when a motion to withdraw a particular bill or motion is objected to, is it not necessary that the question should be put to the House and decided by a majority of votes? Government of India Act, 1935 lays down that in a Governor's Council all questions shall be decided by a majority of votes. In the present case, if I am not mistaken, only one or two members objected.

Mr. PRESIDENT: As soon as it is moved it is the property of the House and not of any particular member and the motion may be withdrawn only by the unanimous opinion of the House; even a single member has a right to oppose it.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I know on what rule you are relying?

Mr. PRESIDENT: That is my ruling.

The Hon'ble Mr. SYED NAUSHER ALI: I think I have got a right of reply.

Mr. PRESIDENT: No, no, only the mover of the original motion has got the right of reply.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, in view of the special circumstances that the mover agreed to withdraw his motion and accept my amendment, I think——

Mr. PRESIDENT: The House has not given the leave to withdraw.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I only just want to make a submission whether you can give me that indulgence. It is always in your discretion to allow us to say a few words at any time. I only want to add a few words to what I have already said.

Mr. PRESIDENT: I am extremely sorry, I cannot do that.

The motion of the Hon'ble Mr. Syed Nausher Ali that the bill—Bengal Municipal (Amendment) Bill, 1937—be circulated for the purpose of eliciting opinion thereon by the 31st March, 1938, was then put and agreed to.

Mr. PRESIDENT: The motion is adopted and the other motion that the Bill be referred to a Select Committee falls through.

The Bengal Cruelty to Animals (Amendment) Bill, 1937.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the Bengal Cruelty to Animals (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Mr. Shrish Chandra Chakraverti,

(3) Mr. Humayun Kabir,

(4) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,

(5) Mr. Hamidul Huq Chowdhury,

(6) Mr. Krishna Chandra Roy Chowdhury,

(7) Mr. Nur Ahamed,

(8) Mr. T. Lamb, and

(9) the mover,

with instructions to submit their report by the 30th November, 1937, and that the number of members whose presence shall be necessary to form a quorum shall be four.

Sir, *phooka*, as this House is well aware, is a very cruel, abominable and inhuman practice upon milch animals that is perpetrated by the *goalas* to wring the last drop of milk from their udder. With the result the milch animals soon go sterile and the *goalas* finding, as a matter of fact, that these milch animals are of no use to them sell them off to the butchers and the butchers purchase them for the purpose of skinning for selling the skin. Then, Sir, this is one economic drain. The calves grow also very sickly and it is well known that the milk of these milch animals upon which *phooka* is practised, is not also beneficial to health. Whether considered from the point of view of health or morality and also from the standpoint of economy this crime of *phooka* has evoked a strong condemnation from the public. Sir, these *goalas*, as a matter of fact, for the purpose of practising *phooka* upon these milch animals, keep them in closed doors so that the crime may not be detected. Now as the Society for the Prevention of Cruelty to Animals became alert, prosecutions were started, but the conviction being one of fine only, proved not to be deterrent. And as a matter of fact the application of the Act being extended only to the city of Calcutta and its neighbourhood, these *khatals* are scattered beyond the limits of the city where the Act is not applicable and scattered over the districts of 24-Parganas and Howrah where they can commit this offence with impunity.

Now, Sir, the crime is so abominable that it elicited condemnation from the Viceroy of India and also from Mahatma Gandhi, President of the Indian National Congress, and I should say from all eminent persons from all parts of the country. There were several meetings held for the purpose of condemning this practice and I will not go to the earlier meetings, but I will refer to some of them which were held very recently within two or three months. First of all I will draw the attention of the hon'ble House to this highly condemnable practice of *phooka* to a great meeting which was called by the Sheriff of Calcutta—a meeting which was held at the Town Hall presided over by the Maharaja Bahadur of Natore. It was a very largely attended meeting and I would mention the names of two persons only amongst several

others who spoke very strongly on the matter in the meeting, viz., Sir Monmathanath Mukherjea and Sir A. H. Ghuznavi condemning *phooka* and urging legislation.

Now, Sir, I will read some of the resolutions which were passed in that meeting and which are relevant for the purpose of my motion:—

(1) "Resolved that this meeting of the citizens of Calcutta strongly condemns the cruel and inhuman action of these cattle owners who practice *phooka* upon the milch animals and calls upon the citizens to do all in their parts to stop such practice which is not only cruel and inhuman but also wholly uneconomical."

(2) "That this meeting recommends to the Government to include *phooka* as a cognizable offence and as punishable with a fine of Rs. 2,000 and 2 years' rigorous imprisonment and also making provision so that a portion of the fine may be given to the informers as reward."

(3) "That this meeting request the Corporation of Calcutta to amend its rules regarding *khatals* and other places where cattle are kept so as to control the owners to demolish the closed walls and replace them by wire fencing or such other enclosures to such *khatals* which have boundary walls."

This is one. I will refer to another meeting which was presided over by the Mayor of Calcutta and in that meeting similar resolutions were passed. The Mayor observed that the position of the Calcutta Corporation was helpless and anomalous and that even if *phooka* was resorted to in the presence of the Chief Executive Officer, he could not punish the offender——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Is the hon'ble member entitled to read *verbatim* the resolutions of meetings held at other places?

Mr. PRESIDENT: Hon'ble members are expected to give a summary of such resolutions or discussions.

Mr. LALIT CHANDRA DAS: Very well, Sir, I shall not read the resolutions. But I must refer to these, because I am to explain the provisions of my bill. The provisions of my bill follow exactly which was demanded loudly by the public and therefore I must convince the House of what took place at the meetings held by the public outside. I will not repeat the resolutions that were passed, but I would say that the same resolutions were passed at that meeting also. Then,

Sir, I would refer to a very largely attended meeting held at the Town Hall, Howrah, presided over by Mr. B. C. Datta, Chairman of the Howrah Municipality——

Mr. PRESIDENT: Mr. Das, will you be able to finish your speech in five minutes?

Mr. LALIT CHANDRA DAS: I do not think, Sir, I shall be able to finish it in another five minutes.

Mr. PRESIDENT: You can resume your discussion to-morrow. I adjourn the House till 2-15 p.m. on Tuesday, the 14th September, 1937.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 14th September, 1937.

Members present:

The following members were present at the meeting held on the 13th September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Barua, Dr. Arabinda.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Hamidul Huq.
(13) Chowdhury, Mr. Humayun Reza.
(14) Cohen, Mr. D. J.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Esmail, Khwaja Muhammad.
(22) Goswami, Mr. Kanai Lal.
(23) Haider, Nawabzada Kamruddin.
(24) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(25) Hossain, Mr. Latafat.
(26) Huq, Mr. Syed Muhammad Ghaziul.
(27) Ibrahim, Khan Bahadur Maulvi Mohammad.
(28) Kabir, Mr. Humayun.
(29) Karim, Khan Bahadur M. Abdul.
(30) Khan, Khan Bahadur Muhammed Asaf.
(31) Khan, Maulana Muhammad Akram.
(32) Laidlaw, Mr. W. B. G.
(33) Lamb, Mr. T.

(34) Maitra, Rai Bahadur Brojendra Mohan.
(35) McKerrow, Mr. J. A.
(36) Molla, Khan Sahib Subidali.
(37) Mookerjee, Mr. Naresh Nath.
(38) Mookerji, Dr. Radha Kumud.
(39) Momin, Begum Hamida.
(40) Nicholl, Mr. C. K.
(41) Ormond, Mr. E. C.
(42) Pal Choudhury, Mr. Ranajit.
(43) Rahman, Khan Bahadur Ataur.
(44) Rahman, Mr. Mukhlesur.
(45) Rashid, Khan Bahadur Kazi Abd
(46) Ray, Mr. Nagendra Narayan.
(47) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(48) Roy, Rai Bahadur Radhica Bhusan.
(49) Roy Chowdhury, Mr. Krishna Chandra.
(50) Sanyal, Mr. Sachindra Narayan.
(51) Sarker, Mr. Indu Bhusan.
(52) Sen, Rai Sahib Jatindra Mohan.
(53) Shamsuzzoha, Khan Bahadur M.
(54) Singh Roy, Mr. Saileswar.
(55) Sinha, Rai Bahadur Surendra Narayan.
(56) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipu
(57) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 3th September, 1937:—

(1) Banerjee, Rai Bahadur Keshab Chandra.

(2) Hossain, Mr. Mohamed.

(3) Jan, Khan Bahadur Shaikh Muhammad.

(4) Mukherji, Rai Bahadur Satis Chandra.

(5) Poddar, Mr. H. P.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 13th September, 1937:—

(1) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(2) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(3) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(5) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(6) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(7) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(8) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(9) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(10) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 14th September, 1937, at 2-15 p.m., being the third day of the Third Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and ten Ministers were present.

Placing of Statements on the Library table.

Khan Bahadur ATAUR RAHMAN: Sir, I rise on a point of information. On Friday last, in replies to two of my questions it was said that statements were laid on the Library table. I went to the Library but I was told that the statements were taken away. Some arrangement should be made so that the statements may be kept on the library table at least up to the end of the day.

Mr. PRESIDENT: I have asked the Secretary to see to this.

Privileges of the Council.

Dr. RADHA KUMUD MOOKERJI: Sir, may I be permitted to make a statement concerning the privileges of this House?

Mr. PRESIDENT: Yes.

Dr. RADHA KUMUD MOOKERJI: I suppose, Sir, that members of the Council will now be feeling that there has been going on throughout a slow but steady deterioration in the status and privileges of this House. They will also feel that the responsibility for this devolves entirely upon Government. All our woes and disabilities are traceable to an original sin committed by the Government. While a very large part of India was fighting the battle of assurances regarding provincial autonomy, some of our friends here were giving themselves up to the

task of ministry-making in Bengal in feverish haste and indecent hurry, so as to forget that there has been a limb of the legislature which they should have counted in the formation of the Council of Ministers. The Constitution intends that both the legislative and the executive work should be shared equally or at least in some proportion between the two Houses. I do not think that there is anybody here who can be prepared to argue this point that if we act according to the spirit of the Act, we cannot but acknowledge the fundamental position that just as there is a division of legislative work between the two Houses, there must be some kind of division of executive work between them. The second Chamber, I find, is taken by the Government of Bengal as if it were a second fiddle for the production of our legislative music, but it is a very gross misconception to view the functions of this House in that light. I hold no brief, Sir, for second chambers—I hold a brief only for democracy, but I may remind members of this House that even the most advanced democracies in the West, like the United States of America, or England or France, are deliberately retaining the second chamber on account of its intrinsic, its inherent worth, and quite recently its inherent merits have been investigated thoroughly by a scientific Commission of experts presided over by the late Lord Bryce, and the recommendations of the Bryce Committee, although they could not apply for the reforms of the House of Lords in their entirety because the House of Lords is a hereditary House, have been found to apply very well to Bengal, where we are writing on a clean slate and the latest democratic thought has been embodied in the constitution of a second chamber for reasons which commend themselves to the most advanced democratic opinion. This House, Sir, as we all know, is practically an elected House, barring the nominated element of about one-tenth and the elective character of the House ought to merit a far better treatment than is being given here by the Government. The Government do not realise that they are violating the Constitution, and, if I may say so with some amount of irony, that they are bent upon wrecking the Act by not allowing the Council to function as it should. They have not yet given to the House a Leader. We are here a leaderless multitude. Sometimes I feel whether the meeting of this Legislature is not a public meeting. We do not know the course of legislative business. I, for myself, coming from a distant part, should have known beforehand, at least 14 days back, what would be the programme of legislative business, so that I could know which important measures of legislation might demand my humble attention. But all this has been denied to me, and I feel inconvenience in this legislative work very acutely. Sometimes, I feel that, after taking all this journey, after all, we are doing nothing. Members cannot anticipate beforehand what kinds of bills will be sprung upon them as a surprise, nor is any time given to them for preparation. One of the most important arguments for the second chamber is that it can supplement the legislative

work of the other House, much of whose time is given to the burning problems and controversies of the hour. Of this, we have had evidence in full measure from the animated and acrimonious proceedings of the other House.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, on a point of order. Is the hon'ble member entitled to refer to the other House?

Mr. PRESIDENT: No reference should be made to the proceedings of the other House.

Dr. RADHA KUMUD MOOKERJI: I think, Sir, with due respect to the Chair, that the phrase "other House" is parliamentary. I am not mentioning any House. The Upper House with its greater leisure and detachment can think out the more fundamental schemes of social welfare for which the Lower House has not always the time and the suitable temperament sometimes for its absorption in party politics. I wish that the Government had taken a leaf out of the page of the new Congress Government of Madras which straightaway gave to the Upper House its Leader and its Minister.

I shall now, Sir, give you a catalogue of our disabilities and the ways and means of removing them.

Grievance No. 1.—The Council needs a building of its own where it may conduct its business in absolute freedom. Dyarchy in the matter of building is prejudicial to the work of both the Houses.

Mr. PRESIDENT: Government have decided to build a House for the Council.

Dr. RADHA KUMUD MOOKERJI: The Home Minister has agreed to a separate building, I know, but, true to Government's dilatory tactics, the current budget has embodied no provision for it.

The Hon'ble Mr. NALINI RANJAN SARKER: It has not been constructed yet. It does not matter whether provision is made or not; we shall find the money whenever it is necessary.

Dr. RADHA KUMUD MOOKERJI: The A B C of the project has not yet been undertaken.

The Hon'ble Mr. NALINI RANJAN SARKER: Plans are ready.

Dr. RADHA KUMUD MOOKERJI: I thank you for the information. I want to rouse the Government to a full sense of responsibility and I have done my duty.

The Hon'ble Mr. NALINI RANJAN SARKER: Now you have done everything.

Dr. RADHA KUMUD MOOKERJI: So far as matters stand at present, I am bound to say that the work of the Council cannot be efficiently done for want of room for meetings of different parties, for their collective consultation or even for reference work in the Library.

Grievance No. 2.—Pending the construction of a separate building, the two Houses are made to work by shifts to the prejudice of the Upper House which can give only two hours to its work, of which one hour is given to interpellations. I suggest, Sir, that the days of the week may be divided for exclusive use of the Legislative Chambers, the Upper House may work on Mondays and Tuesdays sitting for four hours a day from, say, 4 p.m., and the Lower House may work on the other days. It is a huge waste of public money to assemble members from different parts of the province and prevent them from working fully so as to entail prolonged legislative session for one hour a day. That is not right.

Some of the disabilities of the Council seem to be our own creation. Without meaning disrespect to the hon'ble members I beg most humbly to say that our Questions, Resolutions and Motions for Bills are not always carefully thought out and worded, and sometimes they even overlap. I suggest a suitable machinery by which such defects may be removed by a closer co-operation between different groups and consultations among their leaders and also with the Ministers so as to produce sound schemes of social welfare for the greatest good of the greatest number. The Council should take the lead in the matter of legislation that should be above all party, caste or creed.

A defect of our procedure is also responsible for the curious but regrettable fact that the proposed composition of the select committees for some of the bills to be moved does not provide for a proper representation of different groups in the Council as it should. This defect may be obviated by the method of inter-party consultations, I have already referred to.

As circumstances stand at present I am sorry to say that the Council is placed in a situation in which it cannot function as it should under the Constitution. If the Government still do not reorganise the Council properly, I should like to know what they will do if the Council resorts

o the weapon of passive resistance in refusing to consider the Ministers' Salary Bill which is to come before it on the 17th and insists on redress f grievances before voting for supply.

Mr. PRESIDENT: Order, order. The Leader of the Opposition has aised some important issues but unless he moves them in the form of a esolution, I do not see how the matter can be discussed now. If he is o advised, he may later on move a resolution when the opinion of nembers can be had on it. But at present he has merely mentioned he points in the course of his statement and it cannot be placed before he House.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. s it your decision that a question of the privilege of the House cannot e raised at this stage?

Mr. PRESIDENT: The question can be raised and it will have recedence over all other matters of the day. That is my ruling. But f the hon'ble member desires to focus the opinion of the House, then e must table a resolution.

QUESTIONS AND ANSWERS

Jessore District Board.

22. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Is the Hon'ble Minister in charge of the Public Health nd Local Self-Government Department aware that the life of the District Board of Jessore expired on the 14th February, 1937, and yet the ew board has not been formed up till now?

(*b*) If so, will he kindly state the circumstances under which the rescribed quota of representatives on the District Board was not lected by the Local Boards of Bongaon, Sadder and Narail within the rescribed time, so as to allow the reconstituted District Board to function immediately after the expiry of the life of the old board?

(*c*) Is it a fact that on this failure by these Local Boards to elect heir district delegates, the last Ministry issued a notification under ection 10 of the Local Self-Government Act appointing the 17th April ast for holding the elections of these boards?

(*d*) Is it true that while in accordance with this notification, the Chairmen of the Sadder and Narail Local Boards called meetings of heir respective bodies to elect their district delegates, the Chairman f the Bongaon Local Board disregarded the notification altogether nd made no arrangement for holding the election?

(*e*) Is it true that—

(*i*) both the District Magistrate of Jessore and the Subdivisional Officer of Bongaon gave timely reminder to the Chairman; and

(*ii*) that no notice was taken of this reminder by the latter?

(*f*) Is the Hon'ble Minister aware that the majority of the members of the Local Board assembled at the Local Board Office on the day prescribed in the Government notification and finding the door of the office locked up by the Chairman and failing to induce the latter to have it opened, held the meeting of the board at the *verandah* and elected the requisite number of district delegates, including Sj. Mohitosh Rai Choudhuri, the leader of opposition in the present District Board, passed a vote of censure on the Chairman and recommended his removal from office for persistently refusing to perform one of his most important statutory duties?

(*g*) If so, will the Hon'ble Minister be pleased to state what step has been taken or is proposed to be taken in this matter?

(*h*) Will the Hon'ble Minister please place on the table in this connection the report submitted by the District Magistrate, Mr. P. D. Martyn, after making a thorough enquiry into the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) and (*b*) The four-year period under section 19A (*3*) of the Local Self-Government Act expired on the 14th February, 1937, but owing, partly, to the failure of the local boards to elect their delegates to the district board before the above date, and partly to irregularities in the subsequent proceedings, it has not yet been possible to reconstitute the district board.

(*c*) Yes.

(*d*) The Chairman of the Bongaon Local Board says he did not convene a meeting as he received the Government order too late for timely notices being issued for holding it.

(*e*) I am afraid the question is not very clear. If the hon'ble member refers to the request made by the District Magistrate to the Chairman, Local Board, for holding a meeting before the Government order was issued, the answers would be in the affirmative.

(*f*) Government have received a report purporting to be of a meeting of the description mentioned by the hon'ble member.

(*g*) The matter is under my consideration.

(*h*) Pending a final decision by Government in the matter, it is not considered desirable to place on the table any reports relating to it.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With reference to answer (*h*), when is the final report likely to be published?

The Hon'ble Mr. SYED NAUSHER ALI: It is not a question of final report at all. It is a confidential report in regard to certain matters and Government are considering that report and their decision will certainly be announced and published in the gazette.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: When will the decision be made?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot give any definite time when it will be made, but I can say that the decision will be arrived at very shortly.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister aware that in most of the district boards in Bengal, the boards run their full term and sometimes even longer thereafter? Do the Government propose to make some rule or some change in the Act to prevent such a state of affairs and make it compulsory so that immediately the term is over the new board is constituted to hold its first meeting?

The Hon'ble Mr. SYED NAUSHER ALI: I am fully aware of the position as stated by the hon'ble member and I am taking steps to see that this sort of irregularity is minimised as far as practicable.

Stenographers in Secretariat.

23. Mr. REZZAQUL HAIDER CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) what were the old scales of pay of—

(1) the non-reporting stenographers of the Secretariat, and

(2) the stenographers serving under heads of departments;

(*ii*) what are their scales now after the revision of pays;

(*iii*) what was the reason for not improving the scale of pay of the stenographers under the heads of departments:

(*iv*) whether it is a fact that the scale of pay of the non-reporting stenographers of the Secretariat was improved at the time of revision of pays; and

(*v*) whether these two classes of stenographers are expected to discharge the same kind of responsible duties and also to maintain the same amount of efficiency?

(*b*) Is the Hon'ble Minister considering the desirability of improving the scale of pay of the stenographers under the heads of departments?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) (1) There were two scales for the Secretariat stenographers, the higher being reserved for selected individuals.

Scale A—Rs. 250—10—350.

Scale B—Rs. 100—10—140—10—240.

(2) The old scale for the stenographers serving under heads of departments was Rs. 80—5—175.

(*ii*) The revised scales are as follows:—

Secretariat stenographers: one amalgamated—Scale of Rs. 90—10/2—120—20/2—300.

Stenographers of the heads of departments—Rs. 80—5/2—100—10/2—155.

(*iii*) and (*iv*) No, though the opportunity was availed of to remove one anomaly. Formerly the selection grade could only be claimed by reporter-stenographers but on amalgamation it was thrown open to all. Otherwise it will be noticed that both the minimum and the maximum of the revised scales are lower than the minimum and maximum of the unrevised scales.

(*a*) (*v*) and (*b*) No.

Settlement Kanungoes.

24. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that Government (Revenue Department) by their letter No. 10740/L.R., of 29th August, 1931, had given administrative approval to the scheme of making the posts of Settlement Kanungoes permanent and pensionable?

(*b*) Is it a fact that the scheme could not be given effect to on account of financial stringency?

(*c*) Is the Hon'ble Minister aware that even in Swan Committee's retrenchment report of 1932, Kanungoes were taken as holding *quasi*-permanent and pensionable posts?

(*d*) Is the Hon'ble Minister aware that the subsequent decision of Government conveyed in their letter No. 17847/L.R., of 23rd November, 1935, has caused great disappointment and injustice to a band of hardworking and efficient public servants?

(*e*) Now that the finances have looked up, does not the Minister contemplate—

(*i*) to revise the orders; and

(*ii*) to redeem the promise originally held out?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) The scheme could not ultimately be given effect to mainly because on further examination it appeared that the sanctioned scales of pay contain full compensation for the lack of pensionary rights.

(*c*) At page 170 of their report the Committee described the Kanungoes' Service as *quasi*-permanent-temporary in name but permanent for all practical purposes.

(*d*) Presumably the subsequent decision to grant to the members of the service a gratuity in substitution of the pension previously proposed to be granted caused some disappointment to the members of that service.

(*e*) Does not arise.

Cost of Administration.

25. Khan Bahadur SAIYED MURZAMUDDIN HUSAIN: Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the comparative figures of cost of administration of the Bengal Government under different main heads from 1931-32 to 1936-37 as found in the budget?

The Hon'ble Mr. NALINI RANJAN SARKER: A statement is laid on the table.

Statement (referred to in the answer to question No. 25) showing the cost of administration for the years 1931-32 to 1936-37.

(Figures are in thousands.)

Heads.	Actuals.					
	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
5—Land Revenue	41,24	37,77	37,33	39,03	36,79	35,28
3—Excise	19,55	17,00	17,54	16,60	17,88	18,84
7—Stamps	4,10	4,61	4,30	4,88	4,80	4,79
3—Forest	14,97	14,48	14,19	14,70	15,21	14,71
A—Forest— Capital outlay charged to revenue	1,64	61	23	20	26	21
)—Registration	18,94	17,47	17,51	17,70	18,48	19,07
A—Scheduled taxes	15	15	5	5	11	8
—Interest on works for which capital accounts are kept ..	18,23	18,04	18,10	22,00	22,05	21,70
5—Irrigation—Other revenue expenditure financed from ordinary revenue.	10,59	10,69	12,95	11,05	11,63	9,66
5(1)—Irrigation—Other revenue expenditure financed from Famine Relief grants.	..	..	..	..	..	..
3—Construction of Irrigation, Navigation, Embankment and Drainage works.	20	3	2	7	6	..
)—Interest on ordinary debt	—6,74	4,81	9,77	15,62	15,97	16,06

20—Interest on other obligations	9	2	7	2	..	3
21—Reduction or avoidance of debt	7,76	8,66	38	40	10,86	12,05
22—General Administration	1,23,29	1,17,12	1,21,53	1,21,47	1,29,21	1,34,12
24—Edministration of Justice	1,01,68	94,14	96,56	94,57	97,07	97,19
25—Jails and Convict Settlements	36,91	40,40	43,49	43,62	44,28	42,34
26—Police	2,20,95	2,19,47	2,22,72	2,24,68	2,28,84	2,26,79
27—Ports and Pilotage	4,32	4.64	4,61	5,66	5,09	4,72
30—Scientific Departments	34	29	28	31	29	29
31—Education (Reserved)	13,38	11,96	12,07	12,19	12,37	12,77
31—Education (Transferred)	1,20,42	1,14,32	1,15,43	1,15,40	1,18,03	1,18,75
32—Medical	51,52	48,36	48,79	48,21	49,19	49,44
33—Public Health	38,24	36,84	37,36	36,01	35,99	34,28
34—Agriculture	25,38	23,51	23,75	23,53	23,75	26,61
35—Industries	11,59	10,96	11,67	11,84	14,83	14,33
37—Miscellaneous Departments	2,27	2,03	2,02	2,14	2,13	4,06
41—Civil Works	88,44	76,24	76,20	80,24	86,72	92,94
43—Famine Relief	2,33	48	10	1,73	2,33	10,34
45—Superannuation allowances and pensions	49,48	52,14	55,52	59,61	62,01	65,14
45A—Commutation of pensions financed from ordinary revenue.	6,22	3,28	..	..	..	..
46—Stationery and Printing	20,93	18,64	19,04	18,61	20,21	20,70

Heads.	Actuals.					
	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
47—Miscellaneous	10,38	18,30	19,21	21,47	22,62	21,99
52—Extraordinary charges	..	..	..	2,50	..	..
Expenditure in England	41,73	40,36	39,87	41,90	42,11	43,50
Total expenditure from ordinary revenue ..	11,00,52	10,67,82	10,81,66	11,08,01	11,51,17	11,72,78

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I appears from item "22—General Administration" that the cost unde the head has increased whereas according to the Swan Com mittee's report it ought to have decreased when it was give effect to partially. What is the reason for this increase then Under other items also we find an increase under "Civil Works" "Miscellaneous Departments" and some other heads. There has bee a decrease on the other hand in the nation-building departments namely, Medical, Public Health and Education. It appears, there fore, that the Retrenchment Committee's Report was not a all given effect to though we have been told that this was done.

The Hon'ble Mr. NALINI RANJAN SARKER: I am unable t review the whole administration in reply to these questions.

Mr. PRESIDENT: It is not for the hon'ble member to make a argument when putting a supplementary question. He should spli up the question and put them separately one after another.

Mr. HUMAYUN KABIR: What accounts for the increase i expenditure under "22—General Administration"?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice, but this year it was due to new items being included in the Genera Administration as, for instance, Labour, Debt Settlement and som others.

Mr. HUMAYUN KABIR: What accounts for the decrease in ex penditure under the head "31—Education (Transferred)"?

The Hon'ble Mr. NALINI RANJAN SARKER: It was not a decrease but an increase since the Swan Committee made thei recommendations.

Decrease of Cultivators.

26. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that i paragraph 271 (page 271) of the Bengal and Sikkim Census Report, Par I (Census of India, 1931, Volume V), it is stated that the number o cultivating landlords and tenants had decreased by about 32 lakhs (35 pe cent.) in the province in one decade and the number of agricultura labourers had increased by 9 lakhs (50 per cent.)?

(*b*) In view of the abnormal decrease in the number of cultivating proprietors and tenants and the increase in the number of labourers and the fast passing out of the lands from the hands of the agriculturists, do Government propose to take any step to stop this transfer?

(*c*) Is the Hon'ble Minister considering the desirability of introducing any legislation similar to the Land-alineation Act of the Punjab?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes. But the variation as explained in the last sentence of the paragraph is evidently due to differences in obtaining the return. Attention is also invited to paragraphs 266 to 269 from which it will be seen that under the revised nomenclature *raiyats* who no longer cultivate their lands are now shown as non-cultivating proprietors.

(*b*) From statistics collected by the Settlement Officers in recent years, it does not appear that expropriation of land of hereditary cultivating classes by non-agriculturists is considerable.

(*c*) No.

Outdoor Patients of Medical College.

27. Mr. KADER BAKSH: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many persons applied for admission in the outdoor patients department of the Calcutta Medical College Hospital in the year ending December, 1935, and 1936?

(*b*) (*i*) How many of them were Muhammadans?

(*ii*) How many were Hindus?

(*iii*) How many were Christians?

(*iv*) How many of other religions?

(*v*) How many were actually admitted during these years?

(*vi*) The percentage of admission for each of the aforesaid communities?

(*c*) Is there any principle which is followed for regulating such admission?

(*d*) If so, what is that principle?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) The information as regards persons applying for admission in the outpatients department, Medical College Hospital, is not readily available as no register of outpatients applying for admission is maintained.

(*b*) The collection of this information from other sources, e.g., bed tickets, would entail a vast amount of time and labour which would be disproportionate to its value.

(*c*) and (*d*) Admission is made according to the urgency and nature of the case and availability of beds.

Settlement Office at Dinajpur.

28. Mr. KADER BAKSH: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of ministerial officers employed in the several departments of the Settlement Office at Dinajpur;

(*ii*) the number of Mussalmans so employed;

(*iii*) the number of candidates with their respective qualifications who applied for appointment in the ministerial staff of the Settlement Office at Dinajpur in the month of July, 1937;

(*iv*) the number of Mussalman candidates who applied at the time;

(*v*) the total number recruited during the same month;

(*vi*) the number of Mussalmans so recruited;

(*vii*) whether any principle, rule or circular is followed when making such recruitments; and

(*viii*) how many of the persons appointed in the aforesaid office are inhabitants of the district of Dinajpur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) 598.

(*ii*) 207.

(*iii*) 199. All had experience of work in the Settlement Department, but with a very few exceptions, all were below matriculation standard.

(*iv*) 69.

(*v*) 67.

(*vi*) 21.

(*vii*) Yes. The principle is that recruitment is generally made from the candidates with experience in settlement work. As a rule preference is given to those recently discharged from other settlements.

(*viii*) 7.

Mr. KADER BAKSH: With reference to (*viii*), were there only seven candidates who had applied from amongst the bona-fide inhabitants of Dinajpur or more?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Electrical Supervisors.

29. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) how many firms are working in the area where licensed Electrical Supervisors under rule 40A of the Indian Electricity Rules are necessary under the rules; and

(*ii*) whether it is a fact that there has been a definite shortage of qualified supervisors in the area concerned?

(*b*) If the answer to (*a*) (*ii*) be in the affirmative, (*i*) the reasons therefor and (*ii*) the steps adopted to avoid the hardship of the situation?

(*c*) How many of the following classes of electrical contractors have, up to date, obtained Contractors' licences, namely, (*i*) Indian Companies and (*ii*) European (including Anglo-Indian) Companies?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) I have no information.

(*ii*) I am not aware of any such shortage.

(*b*) Does not arise.

(*c*) A complete list of licensed electrical contractors is laid on the library table. I have no information as to their denomination.

Mr. NARENDRA CHANDRA DATTA: What is the proportion of Indian and European contractors' licenses?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have no knowledge as to their denominations, I am unable to give the proportion.

Damage by Wild Pigs from Reserve Forests of Chittagong.

30. Mr. NUR AHAMED: (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware that wild pigs and other animals from the reserve forests cause extensive damage to the crops grown in the fields lying round about those forests especially in the district of Chittagong and the people concerned suffer great loss year by year?

(*b*) If so, what steps the Hon'ble Minister contemplates to adopt to prevent such damage to crops by wild animals from reserve forests?

(*c*) If no steps are contemplated, what is the reason therefor?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): Government are trying to collect the desired information, but have not been able to do so yet.

Bengal Veterinary College.

31. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state in the following form what is the total strength of the staff of the Veterinary College—

(*i*) Gazetted officers—

Moslems,

Non-Moslems,

(*ii*) Non-gazetted officers—

Moslems,

Non-Moslems?

(*b*) Is there any order of Government to appoint members of different communities at a certain ratio?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister state what is the ratio between Hindus and Moslems?

(*d*) If the ratio falls short of the Government order, what are the steps taken to remedy it?

(*e*) Will the Hon'ble Minister state what is the number of members composing the Committee of Management of the Veterinary College?

(*f*) How many of them are Moslems?

(*g*) How many are non-Moslems?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*)—

(*i*) Gazetted officers—

Moslems	...	2
Non-Moslems	...	6

(*ii*) Non-gazetted officers—

Moslems	...	14
Non-Moslems	...	24

(*b*) No proportion has been fixed for gazetted staff of the college as the posts in the teaching staff in the Bengal Higher and Lower

Veterinary Services require a highly specialised training and hitherto the number of Muslim candidates with the requisite technical qualifications has been very small. In the subordinate and clerical services, the minimum proportion fixed for Muslims is one-third.

(*c*) The answer to (*a*) gives the ratio of Hindus and Muslims in the different services.

(*d*) With regard to the higher teaching staff, the question does not arise. With regard to the subordinate and clerical services, the ratio satisfies the existing order. I hope that with the increase of qualified Muslim candidates it will be possible to appoint a larger number of Muslims in the subordinate as well as higher services, and I can give an assurance that in making future appointments the claims of qualified Muslims will not be overlooked.

(*e*) Fourteen.

(*f*) Three.

(*g*) Eleven.

Khan Bahadur ATAUR RAHMAN: Qualified staff for the higher appointments among the Muslims were not available: may I inquire why it was not possible to get qualified men to take charge as members of the Management Committee from amongst the Muslims, for I see that out of fourteen only three Muhammadans were taken in on the Management Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In regard to the staff I have already explained, Sir.

Khan Bahadur ATAUR RAHMAN: I admit, Sir, about the staff. I am only inquiring about the Committee of Management, for there are only three Muhammadan members out of a total of fourteen.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Unfortunately, Sir, these appointments were made by the last Government, and as soon as their term of office is over, there will be a great difference in the position.

Khan Bahadur ATAUR RAHMAN: I am very thankful to the Hon'ble Minister for this assurance.

Orders of Restraint on Persons.

32. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what is now the

total number of persons in the Province of Bengal under various orders of restraint or restrictions passed under any of the Bengal Criminal Law Amendment Acts, the Bengal Suppression of Terrorists Outrages Act and the Bengal Public Security Act?

(*b*) Will the Hon'ble Minister please state their number district by district?

(*c*) Is it the intention of the Government to withdraw those orders of restraint or restrictions without any further delay?

(*d*) What was the total number of persons under such orders of restraint or restrictions in March, 1935?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin: (*a*) At the end of August, 1937, the total number restrained under the Bengal Criminal Law Amendment Act, the Bengal Suppression of Terrorist Outrages Act and the Bengal Public Security Act was 2,376. Under section 2 (*1*) of the Bengal Criminal Law Amendment Act, the number was 1,957 inclusive of 85 in training camps; under section 2A of the same Act—148; under the Bengal Suppression of Terrorist Outrages Act—270; and under the Bengal Public Security Act—1.

(*b*) The information desired by the hon'ble member is not available and cannot be obtained without an expenditure of time, labour and money which Government are unable to undertake.

(*c*) The attention of the hon'ble member is invited to the statement of policy made in the Assembly on 9th August, 1937.

Mr. RANAJIT PAL CHOUDHURY: On a point of order, Sir, Is the Hon'ble Minister entitled to refer this House to the Assembly?

The Hon'ble Khwaja Sir NAZIMUDDIN: Oh, I am sorry, Sir. I ought to have referred to "the statement of policy made in the Council, and not in the Assembly, on the 16th August, 1937."

Mr. E. C. ORMOND: On a point of order, Sir. Is it proper to refer to previous proceedings of this House in the same session?

Mr. PRESIDENT: It refers to the last session.

The Hon'ble Khwaja Sir NAZIMUDDIN: (*d*) The total number restrained under section 2 (*1*) of the Bengal Criminal Law Amendment Act at the end of March, 1935, was 2,478. Information

of the number then under restraint under other Acts or under section 2A of the Bengal Criminal Law Amendment Act is not available and cannot be obtained without an expenditure of time, labour and money which Government are unable to undertake.

Interned Daughter of Babu Golabsingh.

33. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the name of the daughter of Babu Golabsingh, pleader of Chittagong, who has been interned by the Government?

(*b*) Where is she interned now, that is, whether at home or at village or in camp or in jail?

(*c*) Whether it is a fact that no young men between the ages of 15 and 30 years are allowed to see her at any time or talk to her and *vice versa*?

(*d*) Whether it is a fact that she petitioned the Government to be permitted to proceed to Calcutta to lay her grievances personally before the authorities?

(*e*) If so, was her petition granted?

(*f*) Whether it is a fact that she wanted to come to Calcutta and with that object she came out of the limits of her place of internment and proceeded to the thana when she was arrested and placed before the Magistrate and was subsequently remanded to jail?

(*g*) Is she still under orders of internment?

(*h*) If so, where?

(*i*) If not, has she been prosecuted and convicted?

(*j*) If the answer to (*i*) be in the affirmative, will the Hon'ble Minister please state for what offence has she been prosecuted and convicted?

(*k*) Will the Hon'ble Minister please state whether the Government intend to release her and withdraw all restrictions under which she is placed?

(*l*) If not, what is the reason therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Indumati Singh.

(*b*), (*g*), (*h*) and (*i*) She is now in the Chittagong Jail awaiting trial under section 6 of the Bengal Criminal Law Amendment Act, 1930.

(*c*) When she was in home domicile an order was served on her father directing him not to allow males between the ages of 12 and 30 other than relatives to see her.

(*d*) Yes.

(*e*) No.

(*f*) The matter is *sub judice*.

(*j*) and (*k*) Government do not propose to withdraw the order under the Bengal Criminal Law Amendment Act, so long as there are indications that she has not severed her connection with the terrorist movement.

Mr. LALIT CHANDRA DAS: There are indications that she has severed her connexion with terrorism. May we know what indications the Hon'ble Minister means? Will it be sufficient if she gives an undertaking that she does not believe in terrorism now?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, before this order was passed restricting her from meeting males between the ages of 12 and 30, Government had reports that she had connexion with terrorism. Her father was warned before the order was passed, but still there was no improvement.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if the father of the girl, Mr. Golab Singh, had petitioned the local authorities for the withdrawal of the orders affecting him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state what has been the result of that petition?

The Hon'ble Khwaja Sir NAZIMUDDIN: The order does not affect him now, because the girl is now in jail custody.

Mr. KAMINI KUMAR DUTTA: Why the order should be kept standing at all when there is no requirement for the order and the girl is in jail custody?

The Hon'ble Khwaja Sir NAZIMUDDIN: The order does not at all apply to him for the present.

Mr. KAMINI KUMAR DUTTA: Still the order is there. May I know why the order is not withdrawn?

(No reply from the Hon'ble Minister.)

Handloom Industry.

34. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether there is any new scheme for the development of the handloom industry?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state whether it has made any headway?

(*c*) If so, will the Hon'ble Minister please state the number of unions with their respective districts in which progress has been made and with what success?

(*d*) Will the Hon'ble Minister please state whether this industry has been placed with the Development Officer to be worked out by him?

(*e*) If not, (*i*) why not; and (*ii*) who is in charge?

(*f*) Is it the intention of the Government to popularise the scheme in all the unions in all the districts of Bengal?

(*g*) If so, in how many years?

(*h*) Do the Government intend to encourage—

(*i*) the weaving and spinning industry by *charka*; and

(*ii*) whether they have any scheme for its encouragement and development?

(*i*) If the answer to (*h*) (*i*) be in the affirmative, and the answer to (*h*) (*ii*) be in the negative, do the Government intend to evolve a scheme for its development? If so, when?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes: there are several schemes initiated in the province for the development of handloom industry which are being financed by the Central Government. Some of these schemes are being worked through co-operative organisations and the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department will answer about them if he is asked. The schemes which are being worked through the Industries Department are:—

(1) scheme of research in handloom industry;

(2) encouragement of handloom weaving industry through grants-in-aid to private institutions; and

(3) practical demonstration in the improved methods of weaving, through three weaving demonstration parties.

(*b*) and (*c*) Of the three schemes referred to above, the first was brought into operation towards the middle of 1935 and has made considerable headway. Quite a large number of fabrics of new and attractive designs, the production of which was not hithertofore attempted by the handloom weavers in this province has been successfully standardised. The weaving of a number of such new and attractive fabrics has been introduced in some of the advanced handloom weaving centres in the province in collaboration with the Bengal Home Industries Association. As regards the second, the Mission Industrial School, Kalimpong, was encouraged to stabilise the weaving section of the institution with an annual grant of Rs. 2,400. The institution is doing useful work with particular reference to the production of different types of weaves on ordinary fly-shuttle looms and in expanding the range of colours used in dyeing of yarns and fabrics of cotton, silk and wool. The third scheme has just been put into operation and the demonstration parties will start work as soon as they have been fitted with the necessary equipment. They will work in important centres of the industry.

(*d*) and (*e*) No. There is no such officer in this department. The Director of Industries, Bengal, is in charge of the schemes.

(*f*) and (*g*) It is the intention of the Government to popularise handloom weaving industry all over the province for which it maintains in addition, nine district weaving schools, twenty-six peripatetic weaving schools and five weaving demonstration parties, which work throughout the year in close collaboration with the district boards and District Officers in different centres selected by them. The handloom weaving industry like other industries being progressive must be kept abreast of times by continually introducing new and artistic designs, new methods of manufacture—labour saving devices, improved methods of dyeing and bleaching, etc. The question of time-limit therefore does not arise.

(*h*) (*i*) and (*ii*) Government have at present no scheme in hand for popularising spinning by *charka*. Weaving cannot be done by *charka*.

(*i*) Does not arise.

Khan Bahadur ATAUR RAHMAN: May I know whether this handloom weaving industry is being ruined because of the want of skill which is "taught" by school parties and other agencies? Is that the real diagnosis of the disease or something else? I mean to know whether this handloom industry is being ruined for want of knowledge amongst the weavers which is being taught them now or whether it is due to competition of foreign materials? That is what I want to know.

The Hon'ble Khwaja HABIBULLAH Bahadur, of Dacca: I do not agree with the hon'ble member that the handloom industry is dying. It was in a dying condition when Dundee had opened out big mills. Government are now trying to revive this industry. I would submit, Sir, this question does not arise.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state if he is aware of any real service being done by the twenty-six peripatetic weaving schools in this province?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I believe so. Certainly.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to tell us the average period that is spent by each of the parties in a particular locality and whether such parties are competent to give any sort of instruction to the people who come to them for that purpose?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Khan Bahadur ATAUR RAHMAN: Have these peripatetic schools and other schools and industrial experts been able to teach the weavers of Bengal now existing to weave cloths like what was known as the Dacca Muslin in days of yore?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As regards the question which has been put just now by the hon'ble member, all I can say, Sir, is that the type of cotton used for the manufacture of Dacca Muslin is not grown in this country nowadays, and, therefore, the same type of Dacca Muslin cannot be made. We have been trying and experimenting to find out, if possible, what was the cotton out of which the Dacca Muslin was made, but we have not yet been able to succeed.

Mr. KAMINI KUMAR DUTTA: It has been stated in the reply that there are several schemes which have been initiated for the handloom industry, and it has been further stated that some of the schemes are worked through the Co-operative Department and some through the Industries Department. Will the Hon'ble Minister be pleased to state whether the schemes under the different departments are being worked in co-ordination and whether any arrangements have been made for co-ordination?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The schemes that are worked by the Co-operative Department are on a co-operative basis, and the schemes worked by the Industries Department are worked in co-ordination with the Industries Department.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether any actual arrangements have been made for working in co-ordination?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The hon'ble member is aware that before the 1st of April, 1937, these departments were under one Minister, but they are now separated and are under two Ministers.

Yield of Rice.

35. **Khan Bahadur ATAUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what is the average production of rice per acre in Bengal according to the Government of India's statistics in recent years?

(*b*) What was the average production of crop per acre in the 18th and 19th centuries as found in old records such as Sir George Watt's Dictionary of Economic Products?

(*c*) Does not this show that the rate of production has gone down to nearly 50 per cent.?

(*d*) If so, will the Hon'ble Minister please state what is the cause?

(*e*) Is the enhancement of rent in Government estates recently concluded justified when there is such fall of average production of the staple food crop?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) According to the results of crop-cutting experiments made during the last two quinquennial periods the average outturn of winter rice, autumn rice and summer rice per acre in Bengal is 12½ maunds, 11⅙ maunds and 14⅓ maunds, respectively.

(*b*) In his Dictionary of the Economic Products of India, Sir George Watt accepted Mr. MacDonnell's estimate of 10 maunds for winter rice and 8 maunds for autumn and summer rice.

(*c*) No.

(*d*) and (*e*) Do not arise.

Fish Industry.

36. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps the Government have so far taken to utilise the large possibilities of the fish industry in Bengal and to create indigenous enterprisers to take up the business on commercial lines?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The hon'ble member is referred to the answer given to clause (*d*) of question No. 120 at the meeting of the Council held on the 16th August last.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether his department after the inauguration of the new constitution has taken any active step for this industry?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I can say that I have already taken steps and an expert is going to be brought out who will go into the whole question of fish industry—the question of sea-fishing, the question of esturian fishing and inland fishing. As soon as he submits his report I will devise some scheme and put it before the Legislature. In the meantime I have prepared a five-year plan which I hope to be able to place before the House at the time of the next budget.

Amount spent in Tours of Ministers.

37. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing separately for each Minister—

(*a*) the amount spent in connection with their tours in the course of last four months;

(*b*) the purpose of their visit to each place;

(*c*) the dates of their journey; and

(*d*) the number of days they had halted in each place?

The Hon'ble Mr. NALINI RANJAN SARKER: A statement for the four months April to July is laid on the Library table.

Medium and Small Industries.

38. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government are aware that the medium and small industries of Bengal have been imperilled by the increasing influx of cheap Japanese goods?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take to protect these industries of Bengal against the inroads of foreign goods?

(*c*) Will the Hon'ble Minister be pleased to state whether Government have got any scheme to organise and encourage the medium and small industries of Bengal?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state the nature of the scheme and when and how it will be materialised, and whether the Government intend to grant state aid for organising the medium and small industries of Bengal?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) This is primarily a concern of the Central Government and is receiving their attention.

(*c*) and (*d*) This department is already doing a great deal for the development of medium and small industries of the province. A planned programme of industrial development on the lines foreshadowed in my budget speech is now under consideration.

Mr. KAMINI KUMAR DUTTA: With reference to answer (*b*), does the Hon'ble Minister refer to the question of tariff or anything else when he says that it is the concern of the Central Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. KAMINI KUMAR DUTTA: Besides the question of tariff protection, are the Government taking any other steps for giving protection to the local industries?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Protection means tariff and nothing else.

Short-notice Question.

Mr. KADER BAKSH: (*a*) Will the Hon'ble Minister in charge of Revenue Department be pleased to state whether the Government contemplate to re-examine the question of revisional settlement in near future?

(*b*) How many kanungoes in the permanent cadre there are in actual service, employed entirely for settlement purposes?

(*c*) Will the Hon'ble Minister in charge be pleased to state whether any steps have been taken or likely to be taken to give suitable employment to the settlement kanungoes who are likely to be thrown out of employment as a result of the stoppage of revisional settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The cadre of 147 kanungoes is entirely temporary. Of them 112 kanungoes are now exclusively employed for settlement purposes.

(*c*) The matter is now under examination. In the meantime instructions have issued to provide, if possible, the surplus settlement staff in vacancies in court of wards.

Ruling of Mr. President.

Mr. PRESIDENT: Before the House resumes discussion on the private members' bills, I would like to answer a question raised by the leader of the Progressive Party yesterday when Mr. Shrish Chandra Chakraverti wanted the leave of the House to withdraw his motion for reference to a Select Committee. Maharaja Sir Manmatha Nath Ray Chowdhury wanted to know the reasons and I replied to him that that was my ruling. I think I should now give my reasons also. I would refer him to page 273 of Sir Thomas Erskine May's Law and Usage of Parliament where he deals with this particular question—

> "The member who has proposed a motion can only withdraw it by leave of the House, granted without any negative voice. This leave is signified, not upon question, as is sometimes erroneously supposed, but by the Speaker taking the pleasure of the House. He asked: 'Is it your pleasure that the motion be withdrawn'. If no one dissents, he says 'The motion is withdrawn' ".

I see that the same procedure has been followed in other Parliaments as well. Standing Order 53 of the Standing Orders of the House of Commons in Canada deals with the same question. It runs thus—

"A member who has made a motion may withdraw the same by leave of the House, such leave being granted without any negative voice".

Again, the same procedure has also been followed in the Indian Legislative Assembly. There the question was raised several times. I would refer only to two or three cases. It is in the report of the Legislative Assembly, dated the 25th September, 1932, page 764—

"Mr. President (the Hon'ble Sir Ibrahim Rahimtoola): The question is that leave be granted to Mr. Amar Nath Dutt to withdraw his resolution." (Some honourable members objected to the leave being given.)

Mr. K. C. Neogy: On a point of order, Sir. The motion that you, Sir, put was whether the honourable member had the leave of the House to withdraw his resolution. I think the voting should first take place on that and not on the amendments or the resolution itself."

Exactly, the point that the Maharaja raises—

"Mr. President: It is a well recognised parliamentary practice that if there is even a very small number of members who oppose the withdrawal of a resolution after it has been discussed, then leave cannot be granted for its withdrawal."

The same procedure was followed in 1933. I refer to the debate of the 15th December, 1933, when Sir George Schuster wanted to withdraw his motion—

"I venture to suggest that it would be in the interests of the progress of this measure if I were to withdraw this amendment."

"Mr. President (the Hon'ble Sir Shanmukham Chetty): Has the honourable member the leave of the House to withdraw his amendment? (Some honourable members: No.) The amendment can be withdrawn only by the unanimous consent of the House."

The same question was raised again on the 9th March, 1934, at page 1948. Here it runs thus—

"Mr. President (the Hon'ble Sir Shanmukham Chetty): Has the honourable member the leave of the House to withdraw his motion?

Some honourable members: Yes.

Some honourable members: No.

Mr. President: Order, order. If anybody seriously objects certainly the motion will not be allowed be withdrawn."

Following the well-known parliamentary procedure, I should like to adopt the same procedure for this House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, may I make a submission.

Mr. PRESIDENT: I have given my ruling.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I bow down to your ruling, but I want to make a submission.

Mr. PRESIDENT: But you cannot question my ruling.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I shall be the last person to do so. My position is this: I quite appreciate the value of the parliamentary practice to which you have referred, and I wish we could gradually follow all the practices of the British Parliament. But the difficulty is that we cannot forget that we are the creation of a statute and when there are statutory provisions with regard to a certain matter however unreasonable that statute may be, however narrow it may be, we have got to follow it. When I raised my point yesterday I took my stand on section 66, clause (*1*) of the Government of India Act, 1935. With your permission I shall read out this section:—

"Save as in this Act otherwise expressly provided, all questions in a Chamber, or a joint sitting of two Chambers, of a Provincial Legislature shall be determined by a majority of votes of the members present and voting, other than the Speaker or President, or person acting as such".

My difficulty is this that any practice which is repugnant to this clear provision of the Act to the extent of its repugnancy shall be void and the statutes and provisions of the Act shall prevail.

Mr. PRESIDENT: I think the Maharaja did not follow when I quoted from May. The leave for withdrawal is put to the House not as a question. All the arguments of the hon'ble member are based on the fact that the leave for withdrawal is a question put before the House. The same principle and procedure, as I have already quoted, obtains in the Central Legislature as well as in England and other Dominion Parliaments.

NON-OFFICIAL BILL.

The Bengal Cruelty to Animals (Amendment) Bill, 1937.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, yesterday I referred to the Town Hall meeting which was convened by the Sheriff of Calcutta presided over by the Maharaja of Natore and which condemned this inhuman and cruel practice and which also suggested remedies. I also referred to the meeting which was held at the Shraddhananda Park presided over by the Mayor of Calcutta and there also similar resolutions condemning the practice were passed. Another similar meeting presided over by the Hon'ble Mr. M. K. Zhakeria was held at the Muhammad Ali Park condemning this inhuman practice. In the meeting which was presided over by Mr. B. C. Datta in the Howrah Town Hall not only similar resolutions were passed suggesting similar remedies but also a condemnation was made for the inactivity and callousness of the Calcutta Society for the Prevention of Cruelty to Animals to combat the evil. Then Sir, I will refer to only one more meeting in this connection and I will not refer to other meetings. This meeting was held in the Albert Hall and was presided over by the Editor of the "Modern Review", Mr. Ramananda Chatterji. In this meeting the Hon'ble the Chief Minister attended and made a speech. The Hon'ble the Chief Minister in course of his speech said that the Government had no objection in amending the existing laws relating to *phooka*. He further said that the Government was ready to help the anti-*phooka* movement in every possible way. In that meeting also similar resolutions were passed. I would only refer to that portion of the resolution which is relevant for my purpose. The meeting also drew the attention of Government and urged the amendment of the existing laws by making this offence a cognisable one and by increasing the fine and imprisonment respectively to Rs. 2,000 and two years' rigorous imprisonment. This meeting also requested the Corporation of Calcutta to adopt measures to combat this evil by refusing to allow *khatals* in buildings with boundary walls in order to facilitate the detection of the crime and to take such steps as may be necessary to empower the Calcutta Corporation to do so if required. The citizens of Calcutta and the citizens of Howrah, in several meetings held for the purpose, condemned the practice in unequivocable terms. Sir, the provisions of my bill follow exactly the lines suggested by eminent persons who made speeches in those meetings.

I will refer now very briefly to the provisions in my amending bill and there are only five clauses in my amending bill. Clause (*1*) refers to the title of the Act. It stands as it is only with the addition of the words "Amendment" and "the year 1937." Clause (*2*) extends the

jurisdiction of the Act over the districts of Howrah and 24-Parganas whereas the Act before was only applicable to the town of Calcutta. Section 3 of this amending Act means section 6 of Act I of 1920 and by this amendment a deterrent punishment has been provided for the offence against *phooka*. Now, Sir, by this amendment the offender is to be punished not only with fine but also with imprisonment. The fine can go up to Rs. 500 and imprisonment may be rigorous and may even extend to one year. Then, Sir, clause (*4*) adds another two clauses to section 6 of Act I of 1920. By section 6A of this amendment a portion of the fine, if realised, will go to the informant whose information led to the detection of the crime against section 6. By section 6B power has been given to the Calcutta Corporation and other municipal bodies in towns where the Act applies to refuse to renew or grant licenses where there is a *khatal* building with boundary walls. Section 5 amends section 28 of Act I of 1920 by addition of a sub-section 28 (*a*). Here the Executive Officer of the Calcutta Corporation and the Chairmen of other municipal bodies of other town where the Act applies have been empowered when they get an information in writing to make searches and——

Mr. PRESIDENT: Order, order. Mr. Das at this stage you are to confine yourself to the general principles and not to go to the particular clauses; that will come later on.

Mr. LALIT CHANDRA DAS: Very well, Sir. These are all the clauses in my bill and now I will refer to another matter and that is this. I have asked for a Select Committee. In the Select Committee I have tried to make it representative of all sections. As a matter of fact everybody in this House will admit that here at least is an Act where there cannot be any room for party play; so I have selected the names from all the parties. Now, Sir, I consider that it is a very urgent measure and I claim for myself that the provisions in the Act are also very comprehensive and lastly I make an appeal to my hon'ble friends in this House. This is a new House where we have got to build up its traditions. It has now become a fashion to put in a similar motion or at least to table a similar motion on all the bills in the agenda to refer it for eliciting public opinion and then to send it back on a certain date. But here at least is a measure on which the public definitely expressed its opinion. There can be no reason why this Act at least should be delayed by referring again to public opinion.

I commend my motion for a Select Committee to the kind consideration of all the hon'ble members of this House.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, I do not think that a bill of this description does need much of a speech to commend itself for the acceptance of the House. The hon'ble mover of the bill has, however, omitted to tell the House definitely as to what the practice is. Perhaps he felt some diffidence in doing so and I also labour under the same disability, but I am afraid the story has got to be told even at the risk of chocking you and I shall adopt the words of Mrs. Stanley, Secretary and Superintendent of the Calcutta Society for the Prevention of Cruelty to Animals, who actually witnessed this horrible performance—

> "The animal in question was in a secluded place at the back of the shed not visible from the road but immediately under the window at which I (meaning herself) was stationed. With wooden shutters closed there was a small space through which I could clearly see as to what was passing without being seen. (In this case it was a she-buffalo.) The she-buffalo was first tied firmly to posts by all four feet, one or two men holding her while this was being done. The milkman then seized the animal by the hairy end of the tail and with the greatest possible violence thrust this together with his hand and arms up to the shoulder inside the vagina of the animal. By the movements of the man's arm one could see that he was inserting the hairy end of the tail right inside the uterus. Having held the tail in this position for a few minutes the man withdrew his arm leaving the tail fixed inside the animal for the whole length of time. All this time the animal was obviously in agony, coughing and groaning. After very casually dipping his hand in a tub of water he started milking the buffalo".

Then she added that this was quite sufficient for her and she could not remain there more for even a minute to witness what happened afterwards. This is the harrowing story. This is the barbarous, inhuman and revoltary thing that is being practised (and I do not know whether any of you knew of the existence of this practice) almost under your very nose everyday. Could you for a minute conceive that a man can do it; I for one cannot. If you feel in the way in which Mrs. Stanley felt and which everyone of us, I think, ought to feel, I think you have got to condemn it in no unmistakeable terms and legislate in a way by which this evil can be effaced out of Bengal if not of India. Sir, the importance of cow's milk cannot be over estimated. Right from the very time of our birth you get the first sip of vitality from the cow's milk, because the doctors do not advise taking mother's milk at least for two or three days from birth. Then again after the 9th

month you have got to leave the mother's milk and live upon this very substantial food, namely, cow's milk and in your old age this milk will be your mainstay.

I do not think, after this, you can afford to neglect this question in the way that now being done. *Phooka* milk has been examined and it has been found to be highly contaminated and therefore for your own safety, for the safety of your own children and for the safety of your people all should support a bill of this description and eradicate this evil. I think it has also been pronounced by medical men that diseases such as typhoid and scarlet fevers have been transmitted through this milk. You ought, therefore, to be very careful as to what milk you use. In other countries and in England in particular I know there are such statutes as the Contagious Diseases Animals Act, the Sale of Milk Registration Act, Food and Drugs Act and similar other statutes. There they have tried to find out as to how best they can get pure and healthy milk. We, however, in India do not turn our attention in the same way and I feel it is high time that we should take it up at once. Sir, it has been condemned, as the learned mover told you, by the highest authority, I mean His Excellency the Viceroy. From His Excellency the Viceroy down to the humblest individual they have all in one voice condemned it. The other day a meeting was held at the Dalhousie Institute presided over by the Hon'ble the Chief Justice of Bengal and he also joined in that condemnation. It has been equally condemned by medical men, educationists and high political magnates. But alas nothing could be done; all these people are powerless before you the legislators. Unless you, the legislators, take it up as a sacred duty of yours nothing can be achieved. Sir, the suggestion to circulate it is only an attempt to shelve it and delay it. Public opinion has been fully elicited and the practice exposed and condemned and no more time should be wasted in that direction.

It is high time to take it up in right earnest instead of delaying it by the process of circulation, because enough has been said upon the matter by all public bodies concerned. The Calcutta Society for the Prevention of Cruelty to Animals have taken it up and have condemned it. Apart from these voices you have heard the medical advice on the point which has been given that *phooka* milk should not be used. In these circumstances, Sir, I support the motion of the hon'ble mover and I commend this for your acceptance.

Mr. PRESIDENT: I would like to warn the members who have given notice of motion for amendments that the Chair is not bound to call anybody because he has given notice of motion. They are to rise just as any other members rise and take their chances. I now call upon Mr. McKerrow to speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point or order, Sir. Shall I not be allowed to move my amendment?

Mr. PRESIDENT: You should rise in your place if you wish to move your amendment. The mere fact that you have given notice of a motion does not give you any right. You should rise and assert your right and take your chance.

Mr. J. A. McKERROW: Sir, we on this side of the House support the motion that the bill be referred to a Select Committee. The subject-matter of the bill, as the mover has said, is not one of controversy. The speedier we can realise that something should be done the better we should be pleased if it is done in the manner as the hon'ble mover has proposed.

Mr. PRESIDENT: I expected Sir Nazimuddin to rise in his place. Now he can move his amendment.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.

Sir, Government condemn the practice of *phooka* most strongly and they have every sympathy with the mover of this motion and the hon'ble member who has brought in this bill. Government realise the evil effects of the practice of *phooka* and all that the hon'ble members have said in this House I fully agree with most of them. I also realise the necessity for tightening the grip of law which will stop this evil practice. But my object in moving this motion is that the bill which has been introduced should be circulated for the purpose of eliciting opinion not on the principle whether there should be legislation or not but on the various clauses that have been provided in the bill, specially when you are asking an important local body like the Corporation of Calcutta to take certain action under this bill. When you are asking the Corporation or rather entrusting them with certain duties or imposing certain duties on them, it is absolutely essential that before you enact the law you should give an opportunity to the Calcutta Corporation to express their views on that. It is true that the prominent Councillors of the Corporation have expressed their views at different meetings supporting legislation on this matter. I do not deny that, but the Calcutta Corporation as a corporate body has not expressed an opinion and what is more important is that it had not had time to consider the provisions of this bill which has been introduced and the duty which has been imposed on them. It has always been in the past the practice in the Bengal Legislative Council that when a bill had been introduced which imposed certain duties relating to the administration of the Calcutta Corporation they always circulated

it for eliciting public opinion and gave the Corporation an opportunity to express its view on the subject. So we want to circulate it for eliciting public opinion. At the same time Government are examining this question and if they think that the bill that has been introduced is one which can be made workable, very likely they will support this bill; otherwise Government intend to bring a bill of their own to see how they can stop this evil practice of *phooka*. Therefore, it has got that dual advantage—one is it gives an opportunity to the Calcutta Corporation and various other bodies to express their opinions on it and the other is that it gives an opportunity to Government to examine this question in more detail and introduce a bill of their own if they think it so desirable. In any case either Government will support this bill or bring a bill of their own in the next session. Therefore, I hope the hon'ble members of this House will agree to the motion which I have moved for circulation and await the result till the next session when it will be possible to go into it more thoroughly. I want to assure the House again that Government realise the necessity of further legislation.

(At this stage Mr. President retired and Mr. Deputy President took the Chair.)

Perhaps the House is aware that there is an Act under which certain steps can be taken against those who practise *phooka*, but evidently the general public opinion is that the provisions of that Act is not sufficient to check the practice. More stringent measures are necessary. Now, what those stringent measures should be and how far they can be practicable, are the points which should be investigated. It is quite easy to suggest various steps which you can take, but it is difficult to enforce them. These measures lead to abuses which you have got to guard against; for example, giving permission to enter *khatals* to examine them without any notice may lead to serious consequences. The power can be abused. It is necessary, therefore, that the question requires examination and the public also should consider and express their opinion. After all what is the opinion that has been expressed by the public so far on this question. They have not expressed an opinion on the bill itself. They have simply stated that further legislation is necessary and have expressed the opinion that steps should be taken to check the evil. Therefore, I am sure the hon'ble members of this House will agree that it is more prudent and advisable to refer a bill of this character for circulation. Let the Calcutta Corporation express their opinion on this subject. Let the Government examine the question more thoroughly and, if necessary, by the next session, let Government bring in a bill which we can put through immediately.

Dr. RADHA KUMUD MOOKERJI: Sir, the Hon'ble Home Minister started by saying that there are no two opinions on the subject-matter of the bill. When there are no two opinions on the subject, I do not see why he insists on opinion being again taken all over the

country on a matter which appeals to the common humanity of all of us. If there is any non-contentious measure which has been proposed by this House, I believe this will take the foremost place. The evil is a crying one and the public has already wasted much time on words and mere talk leading to nothing. I was thinking that the Home Minister was taking up a very sympathetic attitude towards the proposal and therefore I fail to understand why he did not take the consequences of his own opinion by again taking up the position that the subject calls for a fresh expression of opinion, although the expression of opinion has already been done to death by the public not only all over Bengal but all over India. I think the opinion on the matter has already crystallised and in the Select Committee ample opportunities will be given to express opinions from all possible quarters. I do not think that the Select Committee will be prevented from formally asking the Calcutta Corporation for an expression of their opinion as to how the evil can be combated and, if it is necessary, the Select Committee may have power to extend their time for their own deliberation. If you like you can extend the time for a fortnight or so, but I believe the Select Committee will be entirely within their rights to ask for any expression of opinion from quarters where such opinion will be authoritative. I, therefore, think that this House should appoint a Select Committee so as to obviate further delay in a matter which is likely to be a sort of slur on the humanity of us all.

Mr. KAMINI KUMAR DUTTA: Sir, after hearing the Home Minister I think the matter has become so simple that it admits of only one reply that it ought to be referred to the Select Committee without the least possible delay. Certainly it is an accepted principle that when a new legislation is contemplated about which there may be controversy regarding the principle underlying the legislation, the general public opinion ought to be invited and ought to be consulted. But regarding this particular penal measure there are no two opinions that immediate relief is required, and that penal legislation is required. Now it has been said that whether the bill, as it stands, would give adequate relief or not. As to what ought to be the exact provisions of the bill, or whether any invitation of public opinion is required in the least, I would like to say, Sir, that for that purpose the Select Committee would be the best competent body to consider the matter.

As to the competency of the Select Committee to hear expert evidence and representatives of special interests affected by the measure before provision is made in the rules, the members of the Select Committee would not only apply their own minds to the various provisions of the bill which has been presented before this House; but they are also quite competent to hear expert evidence and representatives of special interests affected by the measure before them. If the Calcutta

Corporation has to be consulted, the Select Committee is competent to do it. If any other expert evidence is to be taken, the Select Committee is quite competent to do so. So the question is a very simple one. Let us put ourselves straight before the matter: whether a legislation is required, whether a penal legislation is necessary—there is no double opinion. If a penal legislation is necessary, the speedier it comes the better and as to what would be the nature of the legislation, I think, Sir, the general public would not help us much. An invitation of public opinion would not give us any aid at all in this respect. It is the Select Committee which would be in a position to discuss the matter thoroughly and fully and also help the deliberation by hearing expert evidence and by taking the opinion of the representatives of special interests affected by the measure. So I conclude that this measure ought not to be delayed for any purpose. Immediately members of this House should resolve that it ought to be referred to the Select Committee, so that this bill may take shape of an Act in the shortest possible time.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am sorry that at this stage the Hon'ble Minister is going to propose for the circulation of the bill for eliciting public opinion. It is known not only to this House but everybody else including all local Governments in India that for the last few months there had been agitation for this legislation. Meetings after meetings have been held here in Calcutta and in other places and in every meeting there had been unanimity of opinion that some measure should be brought to cope with the situation. An hon'ble member has said that this is a matter which concerns the Calcutta Corporation and that this should be referred to them for their opinion. I had the pleasure of attending one of their meetings and I know the Mayor of Calcutta and several Councillors attended the same meeting and the Mayor himself speaking at the meeting said that he would support the legislation and that a legislation of this sort was urgently required. As the previous speaker has already said, there is no dissentient voice in this matter. I never found such an uncontentious measure in my experience of over sixteen years. There is not a single dissentient voice which came from any quarters either from rich or low, from Hindus, Muhammadans, Jews or Christians against this measure. Apart from this the Select Committee can take expert evidence and they can also obtain written opinion of the Calcutta Corporation. The verbal opinion of the Calcutta Corporation has already been given in the meeting. Apart from the humanitarian point of view it is ruinous to the health of our children. It is the opinion of physicians that the milk drawn by *phooka* is not healthy and that it is full of germs and the blood of cows. So from the point of view of health and sanitation this question should be taken up immediately. We cannot conceive of such

inhuman treatment practised upon cows. It is done by *gowalas* mostly in Calcutta. We admit there is an existing law, but the existing law cannot cope with the situation. Therefore we want a stricter law so that the *goalas* who practise *phooka* upon cows can be caught red-handed and punished. In this matter the Hon'ble Chief Minister said in one of the meetings that this Government would bring a bill in no time. The delay is dangerous. But much time has been lost and unfortunately the Government did not take action. Now, when a private bill has been introduced, the Government is proposing for delay. With these few remarks I support the original motion and oppose the amendment.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I move that the name of Mr. Humayun Kabir——.

Mr. DEPUTY PRESIDENT: Order, order. We are discussing the first amendment, namely, whether the bill can go for circulation.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, I am at a loss for words to adequately express my gratitude to the hon'ble member who has introduced this bill in this Council. Anybody who has once seen the application of *phooka* for the purpose of milking cows and buffaloes can realize what monstrous cruelty it means to the animals. Hence, anybody who tries to put a stop to this system deserves the thanks of every sympathiser. But unfortunately the present mover of the bill is touched with the cruelty perpetrated upon animals in the district of Howrah and 24-Parganas only. In my opinion the bill should be extended to the whole of Bengal or at least the municipal areas.

I support the bill with all my heart.

The Hon'ble Mr. SYED NAUSHER ALI: I had no desire to speak on this amendment or on this motion for reference of the bill to a Select Committee, but I think we should make our position quite clear, as otherwise there is a risk of our being misunderstood. Sir, this practice of *phooka* is so horrible, so outrageous to human sentiment and feeling that I consider it an absolutely abominable practice. I am bold enough to say that it is a barbarous practice, a practice that no civilized country and no civilized Government can ever tolerate for a single day. Government as well as the whole country are equally anxious to see that the practice ceases and ceases without a moment's delay. It is absolutely necessary before a bill can be enacted into law that it should pass through both the Houses and get the assent of the proper authority.

Now, Sir, an amendment has been moved by the Hon'ble Minister in charge of the Home Department to the effect that the bill be circulated for eliciting public opinion by 31st December, 1937. Criticisms have been levelled against this motion to the effect that it is only a delaying tactic. I submit most emphatically that it was never the intention of the Government to delay the measure even for a single day. We are considering the proposal of introducing a legislation for putting a stop to this practice at the earliest possible opportunity, and I think my hon'ble colleague has made that abundantly clear to this House. The point for consideration of this hon'ble House is whether we will get the measure enacted into law earlier by referring the bill to a Select Committee or whether we can have an earlier Act by allowing Government to bring in a measure on the same lines and in the meantime circulating this bill for eliciting public opinion. We take no sides whatsoever. Personally myself and my colleague and the Government as a whole believe that if Government bring a bill that will be enacted earlier and that can be put into force earlier. That is why this method was adopted, but if the House thinks otherwise, namely, that by referring this bill to a Select Committee we will get the Act earlier we have not the slightest objection to that. Sir, that is exactly the position of Government and we want to make it abundantly clear that if the House thinks that by referring this bill to a Select Committee we will get it enacted earlier than the proposed Government bill when introduced it should be done by all means. We honestly believe that if a Government bill is introduced, it will have an easy passage through both the Houses and be on the statute book earlier than if this be referred to a Select Committee. The reason is obvious to every hon'ble member of this House and I need not dilate on this point.

Dr. RADHA KUMUD MOOKERJI: Sir, on a point of information. May I know which Minister is in charge of the subject-matter of this bill?

The Hon'ble Mr. SYED NAUSHER ALI: My hon'ble colleague in charge of the Home Department is in charge of this bill, but I am speaking as a member of the Cabinet with his consent as he has already exhausted his right of speech by having moved the amendment. I have been authorised by him to speak and I think I am speaking on behalf of Government and therefore that question does not arise.

Now, Sir, I have made it abundantly clear already that Government are equally anxious as every hon'ble member of this House to see an Act on the statute book at the earliest possible opportunity. If you think that it may be done in this way, we have not the slightest objection for the reference of this bill to a Select Committee.

(At this stage Mr. Deputy President retired and Mr. President took the Chair.)

Maulana MUHAMMAD AKRAM KHAN addressed the House in Bengalee. The following is the English translation of his speech:—

Mr. President, Sir, I request the Hon'ble Home Minister to leave the fate of the Bengal Cruelty to Animals (Amendment) Bill, 1937, to be decided by the members of the Legislature. No one can deny the horror and the barbarity of the *phooka* evil. Personally I am in favour of referring the bill to a Select Committee.

Mr. RANAJIT PAL CHOUDHURY: I move, Sir, that the question be now put.

Mr. PRESIDENT: The question is that the question be now put.

The motion was put and agreed to.

When the question was being put by Mr. President the Hon'ble Mr. Mukunda Behary Mullick cried "No."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order, Sir. Can an Hon'ble Minister say "No" in this case, as he is not a member of this House? I submit that the Minister in this case, I mean the Hon'ble Mr. Mukunda Behary Mullick, makes himself liable to a penalty of Rs. 500.

Mr. SHRISH CHANDRA CHAKRAVERTI: You gave it as your ruling that an Hon'ble Minister who is not a member of this House is not qualified to vote. I submit, Sir, he is liable to a penalty of Rs. 500.

Mr. PRESIDENT: A point of order has been raised. A Minister's right to ask for a division has been questioned, and I would like to hear what the Hon'ble Mr. Mukunda Behary Mullick has to say on this point.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I thought, Sir, that I was a member of this House for all purposes, except in regard to voting, and that is why I gave my opinion as such. I thought that I had every right to express my opinion, and I do not think that I have got any further explanation to offer.

The Hon'ble Mr. SYED NAUSHER ALI: May I rise to submit one point, Sir? I have got my own misgivings and doubts whether Ministers can say "Aye" or "No" and whether they can call for a division. This will require an interpretation of the rules. Unfortunately, I have not got the amendments before me that were promulgated the

other day. So, when it is a question of interpretation, it is best to be on the safe side; but when one of our colleagues has been definitely asked to explain his conduct we want a definite ruling from the Chair whether we are entitled to cry "Aye" or "No" and whether we are entitled to call for a division. These are matters, Sir, which require a decision. If you cannot give your decision to-day, you can defer it to some other day which is suitable for you. But, I think, Sir, a ruling is desirable in the interests of all concerned.

Dr. RADHA KUMUD MOOKERJI: I am surprised, Sir,——

Mr. PRESIDENT: It is usual tor the Leader of the Opposition to take his proper seat so that he may be able to catch the eye of the Chair. Please come to your seat, for when a member desires to catch the eye of the Chair he should come to his proper place.

Dr. RADHA KUMUD MOOKERJI: I am sorry, Sir. As I was saying, I am surprised that the Hon'ble Minister is trying to find a way out of what does not at all admit of any doubt. The law is very clear on the point. It is a member of this House alone who can express an opinion either way, and a Minister who is not a member will be guilty of an offence for expressing any opinion—either yes or no—as if he is a member.

The Hon'ble Mr. SYED NAUSHER ALI: That is exactly the point on which I also am asking the opinion of the Chair.

Mr. PRESIDENT: I would like to hear other members also, if they have any opinion to offer.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, according to the latest amendment of the Rules and Standing Orders, the word "member" has been defined, and something has been added to the definition, and it is only very recently that this has been done. It is said that "member" means a member of the Council, and except for Rules and Standing Orders hereinafter mentioned, includes a person referred to in section 64 of the Government of India Act, 1935, rule 3, section 6, and so on. Some exceptions have been mentioned here; otherwise, a Minister is also a member according to the latest definition. (Cries of "But he cannot vote.") Yes, with regard to voting I do not support the contention that the Ministers have he right to vote, but a Minister is as much a member——

Mr. PRESIDENT: Order, order. I take it that Mr. Naziruddin Ahmad's contention is that an Hon'ble Minister has no right to ask for

a division. So, the only point now before the House is whether Ministers who are not members of this House for all purposes can claim the right to call a division or cry out "Aye" or "No" when a question is put to the vote.

Mr. NAZIRUDDIN AHMAD: I think, Sir, it is for you to decide this point.

Mr. PRESIDENT: I know it is for the Chair to decide, but if you have any opinion to offer I would welcome that opinion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the point is this that under the latest amendment a Minister is a member for all purposes except for the purpose of voting. It is very obvious what voting is, viz., when we divide or when we cry out "Ayes" or "Noes." The point is whether Ministers can ask for divisions. We can move resolutions, we can move amendments, and we can speak, and the question of division is simply asking what is the true opinion of this House as to a particular question. Calling for a division is not exercising the right to vote. That is the point that I want to make, viz., that when a Minister calls for a division, he is not exercising any right of voting. He is simply questioning the decision whether the votes of members on a particular question are in a majority or in a minority. Similarly, we can raise points of order, get up to make personal explanations, and, similarly, under the rules, I submit, we have the right to claim and call for divisions, because that does not constitute actual voting.

Mr. PRESIDENT: Sir Nazimuddin, before you resume your seat I would like to ask you one question. You certainly agree that if the rules are *ultra vires* to the Government of India Act they become null and void and that the rules cannot give powers in excess of those that are conferred by the Government of India Act. Do you agree to this?

The Hon'ble Khwaja Sir NAZIMUDDIN: Of course, Sir, I agree to that.

Mr. PRESIDENT: The main section concerned is section 64 of the Government of India Act, 1935, in which it is stated that "every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings." So, you contend that your claiming a division comes under the words "otherwise take part in the proceedings" in section 64? It is not speaking in the proceedings but it is taking part in the proceedings, under which you claim to call for a division?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, it comes within the proceedings of the House.

Mr. PRESIDENT: Will you explain what powers you claim, as it was claimed by some members the other day that except the power of voting all the other powers of members were conceded by this section to the Advocate-General and the Ministers? Is that your contention?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. PRESIDENT: But the words "shall not, by virtue of that section, be entitled to vote" make it clear that the only thing he is not entitled to do is to vote, but has got the right to speak and also to take part in the proceedings of this House. So I take it that if you adopt the views of the Advocate-General and maintain that except the right of voting, all other powers are conceded to the Advocate-General and the Ministers. Will you please try to explain if the words "otherwise take part in the proceedings" mean all the powers that are admissible to a member? Why the words "speak in" are retained then? You know that it is a well-known principle of the law of interpretation that no word or words should be used without any purpose. Then if "taking part in the proceedings" is to include all the powers except those that have been specifically excluded, what was the purpose in retaining the words "speak in"?

Dr. RADHA KUMUD MOOKERJI: May I rise on a point of order, Sir? I pray that this point may be taken up to-morrow, so that we may proceed with the consideration of the bills to-day. The point of order raises a very vital issue on which most of us are anxious to submit our views. So I submit that it may be taken up again to-morow, but I pray that to-day's business may be proceeded with in respect of bills.

Mr. PRESIDENT: So I do not give my opinion on this most vital and important question and defer my ruling till another day.

Mr. LALIT CHANDRA DAS: With your permission, Sir, may I add some names to the Select Committee?

Mr. PRESIDENT. But we have accepted the closure.

The question is that the Bengal Cruelty to Animals (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1937.

The Hon'ble Khwaja Sir NAZIMUDDIN: Is my amendment being put, Sir? If so, then, with your permission I would like to withdraw my amendment. (Hear, hear.)

Mr. PRESIDENT: Is it the pleasure of the House to permit the Hon'ble Minister to withdraw his amendment?

The amendment was then, by leave of the House, withdrawn.

Mr. PRESIDENT: The only motion now before the House is that the Bengal Cruelty to Animals (Amendment) Bill, 1937, be referred to a Select Committee consistin of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Mr. Shrish Chandra Chakraverti,

(3) Mr. Humayun Kabir,

(4) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,

(5) Mr. Hamidul Huq Chowdhury,

(6) Mr. Krishna Chandra Hoy Chowdhury,

(7) Mr. Nur Ahamed,

(8) Mr. T. Lamb, and

(9) the mover,

with instructions to submit their report by the 30th November, 1937, and that the number of members whose presence shall be necessary to form a quorum, shall be four.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir.

Mr. PRESIDENT: No point of order can be raised when the Chair is putting a question to the vote.

The Hon'ble Mr. SYED NAUSHER ALI: May I rise on a point of order, Sir? You were absent from this chamber for some time, and something happened during your absence which is not known to you. I would beg to draw your attention to this. There were certain amendments with regard to the reference of the Bill to a Select Committee. Some gentlemen stood up when Mr. Hamidul Huq Chowdhury, the Deputy President, was presiding and he said that we were then on one motion only, and assured the members that they would have their chance to move their motions subsequently. So, they did not move their motion. These gentlemen now have stood up to move their amendments.

Mr. PRESIDENT: But the difficulty is that the closure motion has already been accepted.

The Hon'ble Mr. SYED NAUSHER ALI: But, Sir, the closure was applied with regard to this amendment for circulation.

Mr. PRESIDENT: I am extremely sorry that this point was not brought to my notice. However, will that be an amendment to an amendment?

The Hon'ble Sir SYED NAUSHER ALI: No, Sir. It will be an amendment to the original motion for referring the bill to a Select Committee.

Mr. LALIT CHANDRA DAS: With your permission, Sir, may I add a few more names to the Select Committee?

Mr. MESBAHUDDIN AHMED: I beg to move that for the names of (1) Mr. Humayun Kabir and (2) Mr. Hamidul Huq Chowdhury, the following names be substituted:—

(1) Mr. Saileswar Singh Roy,

(2) Begum Hamida Momin,

(3) Mr. Mesbahuddin Ahmed,

Mr. PRESIDENT: Mr. Mesbahuddin Ahmed, you are to move the amendment of which you have given notice. What you are reading does not conform to what appears on the agenda paper. So, it is out of order. You cannot put a separate motion.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I definitely move that the question be now put.

Mr. PRESIDENT: The question is that the question be now put.

The motion was put and agreed to.

Mr. PRESIDENT: Now, the question before the House is the original motion.

The motion was put and agreed to.

Adjournment.

The Council then adjourned till 2-15 p.m., on Wednesday, the 15th day of September, 1937.

Members Present:

The following members were present at the meeting held on the 14th September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Barua, Dr. Arabinda.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Hamidul Huq.
(13) Chowdhury, Mr. Humayun Reza.
(14) Cohen, Mr. D. J.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Esmail, Khwaja Muhammad.
(22) Goswami, Mr. Kanai Lal.
(23) Haider, Nawabzada Kamruddin.
(24) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(25) Huq, Mr. Syed Muhammad Ghaziul.
(26) Ibrahim, Khan Bahadur Maulvi Mohammad.
(27) Jan, Khan Bahadur Shaikh Muhammad.
(28) Kabir, Mr. Humayun.
(29) Karim, Khan Bahadur M. Abdul.
(30) Khan, Khan Bahadur Muhammed Asaf.
(31) Khan, Maulana Muhammad Akram.
(32) Laidlaw, Mr. W. B. G.
(33) Maitra, Rai Bahadur Brojendra Mohan.

(34) McKerrow, Mr. J. A.
(35) Molla, Khan Sahib Subidali.
(36) Mookerjee, Mr. Naresh Nath.
(37) Mookerji, Dr. Radha Kumud.
(38) Momin, Begum Hamida.
(39) Nicholl, Mr. C. K.
(40) Ormond, Mr. E. C.
(41) Pal Choudhury, Mr. Ranajit.
(42) Poddar, Mr. H. P.
(43) Rahman, Khan Bahadur Ataur.
(44) Rahman, Mr. Mukhlesur.
(45) Rashid, Khan Bahadur Kazi Abdur.
(46) Ray, Mr. Nagendra Narayan.
(47) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(48) Roy, Rai Radhica Bhusan Bahadur.
(49) Roy Chowdhury, Mr. Krishna Chandra.
(50) Sanyal, Mr. Sachindra Narayan.
(51) Sarker, Mr. Indu Bhusan.
(52) Sen, Rai Sahib Jatindra Mohan.
(53) Shamsuzzoha, Khan Bahadur M.
(54) Singh Roy, Mr. Saileswar.
(55) Sinha, Rai Surendra Narayan Bahadur.
(56) Sinha, Raja Bhupendra Narayan Bahadur, of Nashipur.
(57) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 14th September, 1937:—

(1) Banerjee, Rai Bahadur Keshab Chandra.

(2) Hossain, Mr. Latafat.

(3) Hossain, Mr. Mohamed.

(4) Lamb, Mr. T.

(5) Mukherji, Rai Bahadur Satis Chandra.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 14th September, 1937:—

(1) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(2) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(3) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(5) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(6) The Hon'ble Mr. Huseyn Saheed Suhrawardy, M.L.A.

(7) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(8) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(9) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(10) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 15th September, 1937, at 2-15 p.m., being the fourth day of the Third Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-five members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Certain informations about Detenus.

39. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number;

(*ii*) the name;

(*iii*) the residence;

(*iv*) the age;

(*v*) the profession at the time of commencement of detention;

(*vi*) the place of detention or internment; and

(*vii*) the duration of the detention or internment

of each of the Bengal political detenus and internees detained or interned under the Bengal Regulation III of 1818, and the Bengal Criminal Law Amendment Acts?

(*b*) Will the Hon'ble Minister please state the number of suicides committed by such political detenus and internees with their names and residences and the place where such suicides took place and the reasons therefor, and the names and residences of political detenus and internees who are ailing, with the nature of illness and the duration thereof and the nature of the *help* meted out to them?

(*c*) Will the Hon'ble Minister please state the names and residences of such political detenus and internees who had been on hunger-strike with the reasons therefor and the places of their detention or internment?

MINISTER in charge of the Home DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): With your permission, Sir, I propose to reply to questions 39 and 40 together.

I regret that the collection of material for the preparation of the statements desired by the hon'ble member would involve an expenditure of time and labour which Government are not in a position to undertake.

40. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the name,

(*ii*) the residence,

(*iii*) the age, and

(*iv*) the profession

of the relatives of political detenus and internees who have been discharged from their appointments after the detention or internment of their related political detenus and internees and the reasons therefor?

(*b*) Will the Hon'ble Minister please state the nature and amount of allowance given to the families of such political detenus and internees during the period of their detention or internment or while they are released with restriction orders, and—

(*i*) the name,

(*ii*) the residence, and

(*iii*) the profession

of the recipients of such allowance, and the number of the family members of such recipients?

(*c*) Will the Hon'ble Minister state—

(*i*) the name,

(*ii*) the residence,

(*iii*) the age,

(*iv*) the profession,

(*v*) the place of restriction, and

(*vi*) the reasons for restriction

of all such political prisoners, detenus and internees who have been released with restriction orders?

(*Vide* answer to question No. 39.)

Mr. RANAJIT PAL CHOUDHURY: Sir, may I submit that whenever there is a question about detenus, it is like a red rag to a bull? Are we not entitled to get an answer regarding Regulation III detenus whose number is limited?

Mr. PRESIDENT: The Hon'ble Home Minister says that the collection of material for the preparation of the statement desired by the hon'ble member would involve an expenditure of time and labour which Government are not in a position to undertake.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the hon'ble member had mentioned Regulation III prisoners separately, I would have been very glad to give the answer. I may refer the hon'ble members of this House to answer to question No. 46 which was reasonable and could be complied with as it deals with detenus and we have supplied the figures in answer to that question.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if the number of the relatives of political detenus and internees who have been discharged from their appointments after the detention or internment of their related political detenus and internees, is so large that it is impossible to give a reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: The number will not be large, but the file of every detenu will have to be searched to find the information. It is what makes the difficulty. There are more than 3000 files and every file has got to be gone through minutely to find out the facts asked for and that makes the difficulty, and also involves time and labour.

Mr. KAMINI KUMAR DUTTA: Is there no record kept of those persons in Government service who have been discharged for being related to detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no separate record kept. There may be one in one place and two in another, but there is no central record kept.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether a single enquiry from the several districts would be quite enough to have the required information?

The Hon'ble Khawaja Sir NAZIMUDDIN: I do not think so.

Embankment of Goomti river.

41. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether breaches in the embankments of the Goomti in Tippera occur annually by floods?

(*b*) Is it a fact that *chars* have been formed in the bed of the river in many places and the river has become shallower and cannot carry off the flood water speedily?

(*c*) If the answer to the above be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take to prevent these occurrences?

(*d*) Will the Hon'ble Minister be pleased to state if the Government are aware that inside the marginal embankments of the Goomti in the town of Comilla, there are many *pucca* and *kutcha* houses which of late become prey to the flood almost every year?

(*e*) Is the Hon'ble Minister considering the desirability of dredging the Goomti as one of the remedies?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) Breaches occur almost annually.

(*b*) Yes, as a result of the embankments.

(*c*) Construction of an escape on the Goomti embankment is under consideration.

(*d*) Yes. Houses have been built by some persons in the unprotected area between the river bank and the embankment with the full knowledge that the area is exposed to flood.

(*e*) No. Dredging will not only be very expensive but will also not improve the position, as the river will silt up rapidly again.

Mr. RANAJIT PAL CHOUDHURY: With reference to clause (*a*), will the Hon'ble Minister be pleased to state whether departmental enquiries cannot be made and is not the department competent enough to answer this question?

Mr. PRESIDENT: With regard to the supplementary questions, it will be better if hon'ble members will definitely state from which part of the answer the supplementary question arises.

Mr. RANAJIT PAL CHOUDHURY: From the first part of the question to which the reply is "Breaches occur almost annually",

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have already said that breaches occur almost annually, and I do not know what the hon'ble member wants to know further.

Mr. RANAJIT PAL CHOUDHURY: I would like to have definite information whether floods have been occurring annually since the construction of the railway in 1911.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am afraid, the hon'ble member is referring to the next question which has not yet been answered.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state for how long the scheme for the construction of an escape on the Goomti embankment has been under the consideration of the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I cannot say definitely when the scheme was started, but as far as I am aware the question is now under the consideration of Government.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether it is not a fact that the Comilla public were given to understand that the scheme was actually settled about a year ago, but unfortunately no action has been taken?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have no information.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many escapes are contemplated to be constructed on the Goomti embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I think one for the present; it may be more, if necessary. I cannot say definitely because the investigation has not been completed.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to assure us if any action that is going to be taken regarding the escapes, will really be taken speedily?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Certainly.

Mr. HAMIDUL HUQ CHOWDHURY: With reference to clause (*b*), and answer thereto, will the Hon'ble Minister be pleased to state whether it is his view that as a result of the embankment that *chars* have been formed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: That is the view of the experts.

Mr. HAMIDUL HUQ CHOWDHURY: Is it the view of the Hon'ble Minister that the same principle applies to the river Padma?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I believe it will apply to every waterway.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister aware of the fact that although there are no embankments on the river Padma, *chars* are formed in the bed of the river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: It is one of the causes, but there might be other causes for the formation of *chars*.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of the department to remove this embankment altogether?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Well, that is the ultimate idea.

Flood in North Tippera.

42. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether since the construction of the Ashuganj-Akhaura Branch Line of the Assam-Bengal Railway, devastating flood is occurring annually in the jurisdiction of the police-stations of Brahmanbaria, Nasirnagar, Sarail and a portion of Nabinagar in North Tippera?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state whether for the purpose of counteracting such annual flood, Government contemplate to take all or any of the following steps:—

(*i*) excavation of the Titas, near Akhaura by dredging;

(*ii*) excavation of the Meghna by dredging;

(*iii*) widening and increasing in number of the openings in the Ashuganj-Akhaura Branch Line; and

(*iv*) increasing the number of bridges on the district roads in the area?

(*c*) If the answer to (*b*) be in the negative, will the Hon'ble Minister please state what other steps, if any, Government contemplate to take in this matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) Floods occur over an area of about 85 square miles to the north-east of Brahmanbaria town. I have no definite information as to whether floods have been occurring annually since the construction of the Ashuganj-Akhaura Railway line in 1911.

(*b*) No.

(*i*) The cost of dredging the Titas would be great and its effect would be only temporary.

(*ii*) No silting up of the Meghna river has been noticed; so no dredging therein is necessary.

(*iii*) Observations have shown that there is no appreciable afflux at any of the openings of the Branch Line.

(*iv*) The openings in the district board roads in the area are not insufficient for the purpose of drainage.

(*c*) The Kurulia Khal (now known as the Anderson Khal) excavated in 1936 is expected to effect some improvement in drainage.

Mr. RANAJIT PAL CHOUDHURY: With reference to the answer to clause (*a*) will the Hon'ble Minister be pleased to state whether any records are kept by the local authorities regarding these floods?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, may I know what local authority the hon'ble member is referring to?

Mr. RANAJIT PAL CHOUDHURY: It is the District Officer or the Executive Engineer.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I believe some records are kept of floods and water-level of rivers but not with regard to small details of any embankment or any other impediment which might be affected.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to say if complaints have not been received from the public of Comilla as to the insufficiency of the openings in the District Board roads for the purpose of drainage of water?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am not aware of any such complaints. As a matter of fact my information is that in case of floods water passes over most of these roads. They are purposely kept low.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he has got any information on record that flood water passes over the roads?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes, that is the information we have got from the Chairman of the District Board.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state whether there is any record of flood water going over the railway lines?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: As my answer to (*b*) (*iii*) will show, there is no appreciable afflux at any of the openings of the Branch Line. The question of flood water overtopping the railway embankment does not arise.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether the Government is aware that so late as 1935 there was a devastating flood over the whole subdivision of Brahmanbaria and there was again a serious flood in 1929 which covered the whole of the subdivision?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I want notice.

Mr. PRESIDENT: When putting supplementary question it is better to mention the portion of the answer out of which the supplementary question arises so that the Hon'ble Minister may know definitely what he is required to answer.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I want to put a general question, and it is this:—

Will the Government be pleased to state whether in view of the frequency of floods occurring, Government consider it important

enough to start some sort of enquiry into the frequency of the floods with a view to finding out whether they are due to the river bed being raised or on account of some obstruction caused by the roads constructed by the Railway or the District Board?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have already said that the excavation of the Anderson Khal is expected to improve the drainage of the area to some extent and we shall certainly look into the matter and see if any other precautions have to be taken to prevent the flood recurring in future.

Mr. HAMIDUL HUQ CHOUDHURY: May I enquire if the Hon'ble Minister knows the real length of the Anderson Khal of which so much has been made in this question?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I want notice.

Mr. NARENDRA CHANDRA DATTA: Is the Hon'ble Minister aware of the position of the Kurulia Khal in the Brahmanbaria subdivision?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have seen it on the map but I have not visited it personally yet.

Mr. NARENDRA CHANDRA DATTA: Does it not show that it touches only the southern portion of the Brahmanbaria subdivision whilst floods were frequent in the northern portion where there is no *khal*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have already stated in answers (*b*) and (*c*) that the *khal* would not solve the problem but that it would only effect some improvement.

Mr. LALIT CHANDRA DAS: Is it not a fact that water in the Kurulia Khal does not last for more than three or four months and that during the rest of the year it is dried up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I think it is during the rains that the *khal* is required to take off a portion of the water which accumulates in that area and I do not think the *khal* will be in need during the dry season.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister know that water in this *khal* lasts for three or four months in the year and in the rest of the year it is dried up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: That is what I have stated.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the mouths of the Kurulia Khal are silted up at both ends?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I want notice.

Mr. HAMIDUL HUQ CHOUDHURY: Will the Hon'ble Minister be pleased to take more personal care to look into these things himself as to whether it affects a large area and whether people are starved on account of their staple food crops being destroyed by floods?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I consider it my duty to look into every question with the best of my ability to see that things are done in the proper way and I make no distinction between one or the other.

Election of members to Union Boards.

43. Mr. NUR AHAMED: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that the present rules for election of members to union boards in Bengal are not conducive to the free exercise of votes at the election by ignorant voters?

(*b*) If so, is the Hon'ble Minister contemplating to substitute the present rules by some rules with provisions for vote by ballots?

(*c*) If not, why not?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) I am afraid that this is a matter of opinion and not a request for information.

(*b*) and (*c*) The question of the introduction of the ballot system is receiving my consideration.

Mr. RANAJIT PAL CHOUDHURY: If this is a matter of opinion, may we not be entitled to get the opinion of the Hon'ble Minister?

Mr. PRESIDENT: Under the Rules and Standing Orders no opinion can be sought in a question. If the Hon'ble Minister had drawn my attention to this point beforehand, I would have disallowed the question.

Mr. HAMIDUL HUQ CHOUDHURY: Is it not a fact that if this ballot system is introduced, it will involve an enormous amount of expenditure?

The Hon'ble Mr. SYED NAUSHER ALI: The matter has not been enquired into.

Mr. HAMIDUL HUQ CHOUDHURY: Will it not be greater than the expenditure for the provincial Council election?

The Hon'ble Mr. SYED NAUSHER ALI: That has again to be enquired into.

Agricultural Debtors Act.

44. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that section 31 of the Agricultural Debtors Act, 1935, which makes distinction between debts of different classes is very much resented by the members of the Co-operative Societies?

(*b*) Is the Hon'ble Minister aware that the members consider that they have been placed under a disability for being members of a co-operative society?

(*c*) Is it a fact that the said section 31 has encouraged loan offices to agitate for such exemption?

(*d*) Is the Hon'ble Minister considering the desirability of deleting section 31 from the Act?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) There is no invidious distinction, and I am not aware of any such feeling of resentment.

(*b*) No.

(*c*) Representatives of some loan offices agitated for exemption from the Act, stating that co-operative societies were exempt: but co-operative societies are not exempt.

(*d*) No.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*a*), viz., there is no invidious distinction, is it not a fact that in the case of ordinary debtors there is no necessity for taking permission for the settlement of debt of anybody other than the debtor and the creditor, but in the case of a member of a co-operative society besides the creditor and the debtor, permission of the Registrar of Co-operative Societies has got to be obtained?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to section 31 of the Act where it is stated that an approval in writing of prescribed authority has to be obtained.

Strikers in Mills of Hooghly.

45. Mr. KANAI LAL GOSWAMI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state how many employees, who struck work in the mill areas of the Hooghly district, have not yet been taken back by the respective mills on the termination of the strikes in spite of their willingness to go back to work?

(*b*) Does the Hon'ble Minister realise that the continued unemployment of such people is likely to lead to further complications which are neither advantageous to the mills concerned nor helpful to the restoration of normal conditions in the locality?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister please state what steps do Government propose to take in the matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) So far as I am aware, there are none.

(*b*) and (*c*) Do not arise.

Mr. KANAI LAL GOSWAMI: Will the Hon'ble Minister be pleased to state if any enquiry was instituted into the matter and, if so, what is the source of his information?

The Hon'ble Mr. H. S. SUHRAWARDY: An enquiry was instituted into the matter in relation to all districts immediately after the strike terminated.

Persons under Restraint in Chittagong.

46. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many persons in the Chittagong district are under orders of restraint or restriction under the Bengal Criminal Law Amendment Act, the Bengal Suppression of Terrorist Outrages Act and the Bengal Public Security Act?

(*b*) Will the Hon'ble Minister please state how many youths in the Chittagong district have been given cards by the authorities to be carried with them?

(*c*) Will the Hon'ble Minister please state whether these cards are of different colours?

(*d*) If so, will the Hon'ble Minister please state what do the differences in colour in the cards signify?

(*e*) Will the Hon'ble Minister please state how many persons in the Chittagong district are prohibited from cycling in particular parts of the district and of the town of Chittagong?

(*f*) Will the Hon'ble Minister please state whether the Government intend to withdraw all these restrictions?

(*g*) If not, what is the reason therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The number of persons under various terms of restraint in the district are approximately as follows:—

Conditionally released detenus	...	51
Home domiciled detenus	...	59
Village domiciled detenus (of other districts)	...	2
Persons restrained under the Bengal Suppression of Terrorist Outrages Act	...	17
Persons restrained under section 2A of Bengal Criminal Law Amendment Act	...	7

The number of persons belonging to Chittagong who are under restraint outside the district cannot be ascertained without an undue expenditure of time and labour.

(*b*) About 21,382 identity cards have been issued up to date.

(*c*) Yes.

(*d*) White ... Innocent.

Blue ... Suspect.

Red ... Ex-detenu restrained or released from restraint under 2A of the Bengal Criminal Law Amendment Act.

Colours are changed according to the conduct of the youths.

(*e*) None.

(*f*) and (*g*) The attention of the hon'ble member is invited to the statement which I made in this House on the 16th August.

Dr. RADHA KUMUD MOOKERJI: In connection with answer (*d*), I wish to know more definitely how people changed their colours and on whose reports?

The Hon'ble Khwaja Sir NAZIMUDDIN: These orders are passed by the District Magistrates.

Short Notice Question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the attention of the Government has been drawn to the published messages which passed through the Viceroy between Mahatma Gandhi and the Andaman Political Prisoners who were recently on hunger-strike;

(*b*) whether Hon'ble Minister is aware that the Andaman Political Prisoners who gave up the hunger-strike declared—"We feel honoured to inform you and through you the nation that those of us who even believed in terrorism do not hold to it any more and are convinced of its futility as political weapon or creed, we declare, it definitely retards rather than advances cause of our country;"

(*c*) whether the Government are considering the question of release of all political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) I have seen copies of the messages.

(*c*) No general release of persons convicted of murder, dacoity or other offences alleged to have been committed in furtherance of political movements is contemplated.

Dr. RADHA KUMUD MOOKERJI: The Hon'ble Minister has just now used the word "alleged." Therefore, I take it that the charges of murder, etc., have not been proved in any court of law.

Mr. PRESIDENT: The answer is "alleged to have been committed in furtherance of political movements."

Dr. RADHA KUMUD MOOKERJI: Then that is a point of doubt.

Mr. PRESIDENT: Yes.

The Library.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of privilege, Sir. I want to know the position about the Library. I came here to look up some books of reference in the Library but I was told that the Library was closed and would not open till 2 o'clock. I waited up to 2 o'clock but nobody was to be seen there. I do not know what orders have been passed by you, Sir, about the Library. If the order is that the Library will not open before 2 o'clock, it is impossible for the members of this House to have any access to the Library and to make any use of it. If the Library is opened at 2 o'clock it may be for the convenience of anybody else but not of ourselves.

Mr. PRESIDENT: As I understand at present the Library is under the control of the Assembly Department and from my talk with my brother, the Hon'ble the Speaker, I knew that there would be no difficulty about members of this House using the library. It is well known that in all other countries where there are two Houses there is always a joint committee of both the Houses with the Chairmen of both the Houses as joint Presidents and an equal number of members from both the Houses. Now we are framing our own rules and we shall provide for it. In the meantime before other arrangements are made I shall consult my brother and settle this matter so that there may not be any difficulty in future.

Mr. HAMIDUL HUQ CHOWDHURY: I want to move a short notice motion on the question of privilege. It is an amendment to the resolution that was passed at the instance of the Hon'ble Mr. Nalini Ranjan Sarker on the 13th August. We find that in that resolution the date for reporting to this House by the committee was fixed for the 15th November, 1937. We have considered that position in a meeting of the House and I have been asked by the committee to bring it to the notice of the House that it will not be possible to make a report by that

date. Therefore I have been asked to move for an extension of time up to the 15th December, 1937, and with a view to doing that I want that an amendment to that resolution may be made by deleting the word "November" occurring in the last paragraph in line 5 and inserting in its place the word "December."

Mr. LALIT CHANDRA DAS: I would object to this short notice amendment going in to.day ; because if I get time I intend to put in a further amendment to it, namely, that the Rules Committee that was constituted was illegally constituted. Therefore I submit that if the short notice amendment goes in I may not get time to raise my point.

Mr. PRESIDENT: There will be no difficulty on your part to move any other amendment that may be in store but if it is the unanimous opinion of the House to accept the amendment suggested by the hon'ble the Deputy President, it may be accepted. I hope there will be no objection to extending the time.

The amendment that the date of submission of the report of the committee be extended till the 15th December, 1937, was put and agreed to.

Mr. PRESIDENT: We shall now take up resolutions. Mr. Kamini Kumar Dutta——

President's Ruling.

The Hon'ble Khwaja Sir NAZIMUDDIN: Before you take up resolutions, Sir, may we know when your ruling on the point of order raised yesterday will be given? Yesterday, one of our colleagues, viz., the Hon'ble Mr. Nausher Ali, raised a point of order as to whether Ministers have the power to call for divisions. And Mr. Lalit Chandra Das was going to speak——

Mr. LALIT CHANDRA DAS: No, I did not raise a point of order, nor did I make any speech on it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then one of the members from the opposite side suggested that the decision may be given to-day or on any other day. May we know, Sir, if we can get your decision to-day?

Mr. PRESIDENT: I am extremely sorry I forgot that matter. There was raised a point of order yesterday as to whether Ministers had the right under the Statute and the Standing Orders to claim a division or whether they could move a closure of the debate. Section

4 of the Government of India Act, 1935, definitely confers on every Minister and the Advocate General the right to speak in and otherwise take part in the proceedings of the Legislative Council. The proceedings really begin as soon as the President takes the Chair, and proceedings, according to the well-known dictionary meaning, mean the business that is conducted in the House, I mean the Council. So, the interpretation of the words "take part in the proceedings" I rule, includes the right to ask for a division. So, the Ministers will have the right to ask for divisions, which, I rule, is "taking part in the proceedings of the Council."

The other question raised was about the right of Ministers to demand a closure. A closure motion is meant for concluding a debate, and, as such, demanding closure will also be taking part in the proceedings of the House. I think a further question was raised whether Ministers can say "No" when a division is claimed on a closure motion. There the rules clearly define that in a closure motion "there shall be no debate on such motion." This is laid down in Standing Order No. 33 (section 48) of the Bengal Legislative Council Rules and Standing Orders. As such, the President, when he accepts a closure motion, merely puts the question, and the voting may be either by voice, or by the raising of hands, or by going through the lobbies, as the President may elect one or other of the alternatives. So, the saying of "No" really forms part of voting, and, as such, Ministers are precluded from saying "No" when the question is put from the Chair.

Dr. RADHA KUMUD MOOKERJI: Is it your definite ruling, Sir, that no Minister can add his voice to the general yell of the House?

Mr. PRESIDENT: Yes, because that will amount to taking part in the voting which is specifically denied to the Ministers who are not members of this House.

Non-official Resolution.

Mr. KAMINI KUMAR DUTTA: Mr. President, Sir, I beg to move that this Council is of opinion that a special unemployment portfolio in charge of a Minister with a board of expert advisers to help him, should be immediately opened.

Mr. LALIT CHANDRA DAS: Sir, I have an amendment.

Mr. PRESIDENT: Let him move and speak on his motion first, then you can move your amendment.

Mr. KAMINI KUMAR DUTTA: Now, in moving this resolution I do not think it is necessary to dwell at any length upon the usefulness of the subject-matter of the resolution. The problem of unemployment is an acute problem in this country. Unemployment has affected all classes, and it can be said that a large portion of the people of this country is practically living below the poverty line—almost on the borderline of starvation. There is general distress and there is general unemployment amongst all the classes, but it is acute in some classes, particularly with respect to the educated middle classes. It appears that these classes are in a very pitiable and unfortunate condition. It is sometimes stated, Sir, that unemployment is due to natural causes, as if the State has no responsibility in respect of it. But I must esphatically protest against any such policy or any such theory. To say that the State has no responsibility in respect of unemployment would be to go against the dictum accepted by all the civilized nations of the world. There cannot be the least possible doubt that the State has a legal as well as a moral duty to provide the bread of the people that live under their administration, and the problem of unemployment is one of the most important problems to be tackled by any administration which calls itself an enlightened administration. So, this resolution is not an ambitious resolution at all. It is a very simple resolution asking Government to open a particular department and to take special care of it, so that it may not be lost in the maze of their other business. The resolution is an extremely simple one. It is only to prevail upon Government to organize some sort of department, to create some sort of organization, to deal with this matter, in a comprehensive manner and to devise measures for the relief of the unemployed.

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. I am afraid that the meaning of the mover's words used in the course of his speech is not supported by the wording of his resolution, and, therefore, I think that since he is not pressing for the institution of an additional Ministership, he should amend the wording of his resolution accordingly.

Mr. PRESIDENT: Dr. Mookerji, that is not a point of order. But you can suggest an amendment to the resolution if you like.

Dr. RADHA KUMUD MOOKERJI: But, Sir, he himself goes beyond the terms of his proposal in saying that he does not claim an additional Ministership, whereas the wording of his resolution lends itself to that interpretation. My submission is that on the wording of his resolution he cannot say what he is going to say, because all that is not relevant to the wording of the resolution, as he has put down on

paper. So, unless it is corrected in the beginning, he is liable to be misunderstood. Therefore, for his own safety, I think, he should bring the wording of his resolution into conformity with what he really means.

Mr. PRESIDENT: Why do you think that one Minister is entrusted with one portfolio only? One Minister may have several portfolios under his charge!

Dr. RADHA KUMUD MOOKERJI: But his wording definitely means that he is proposing a twelfth Minister to be in charge of unemployment.

Mr. PRESIDENT: Where do you get that,—the idea of a separate Minister for the portfolio of unemployment?

Dr. RADHA KUMUD MOOKERJI: But at any rate, Sir, the wording is very ambiguous. The word "portfolio" means a separate department and is likely to mislead people.

The Hon'ble Mr. NALINI RANJAN SARKER: The Leader of the Opposition is very anxious to increase the number of Ministers, it seems!

Dr. RADHA KUMUD MOOKERJI: Rather I want to shut out that assumption.

Mr. PRESIDENT: Dr. Mookerji, if you want to make the wording clear, then you can move an amendment of your own.

Dr. RADHA KUMUD MOOKERJI: I think, Sir, it will do if the mover only accepts my suggestion, for the alteration will merely be a verbal one.

Mr. KAMINI KUMAR DUTTA: I may state now after hearing what my hon'ble friend the Leader of the Opposition has said, that it was not at all within the four corners of my mind to add a twelfth Minister. Already we have got more than we can swallow. My resolution simply means that as there are so many Ministers already, a separate portfolio may be opened in charge of any one of them. Nowhere is it stated in the rules or in the Statute that a Minister cannot have more than one portfolio, on the contrary a Minister can have as many portfolios as he likes. So, Sir, my resolution does not in the

least contemplate the appointment of another Minister. There is not the slightest anxiety on my part at least to have another Minister.

Now, Sir, to turn to the subject with which I was dealing. My resolution simply aims at this: to prevail upon the Cabinet or the Ministry to open a separate agency, and organization, and a department in particular on the subject of unemployment, so that if the House desires any action to be taken in respect of unemployment, the Minister in charge of that particular department may be asked as to what steps have been taken and what further steps are contemplated to be taken. Now, perhaps, many of us here have seen already in the papers, the report of the address delivered by His Excellency the Viceroy to the joint session of the Central Legislature, I think, on the 13th of September, where His Excellency has also drawn the attention of the Central Legislature to this question of unemployment of the middle-classes. In his address His Excellency has stressed the relationship between the problem of unemployment and the question of industrial research and industrial training and has there laid down—has further stated—that at an industrial conference to be held at Lahore in the coming month of December this proposal for training and assisting unemployed youths for starting and conducting industrial enterprises will be considered. Sir, long back as the year 1926, a debate was initiated in the Indian Legislative Assembly over this subject and as a result of that debate a circular letter was issued to all the Provincial Governments. As far as I remember the wording of that circular was this: The Central Legislature recommended that such remedies as might be found practicable were remedies which only local Governments, and more particularly the transferred sides of the local Governments, would apply. Now, Sir, by that of course the Central Legislature did not minimise the gravity of the problem in the least, but by the circular it asked the local Government to take special measure regarding the relief of unemployment. Even prior to that in the year 1924 an unemployment Committee was appointed by the Government of Bengal and a report was submitted by them. In that report there were some concrete suggestions made by the Committee. As far as I can recollect those suggestions were for the starting of farm colonies and of industrial banks and for extension of technical and practical education. After that circular was issued by the Central Legislature, the different provincial Governments also did appoint committees and enquiries were made. Enquiries were made by Bombay Government, enquiries were made by the Punjab Government, by the Madras Government and also by the United Provinces Government under the Chairmanship of Sir Tej Bahadur Sapru. These Governments also admitted that this problem was a vital problem—the problem rgarding the bread of the people. problem regarding the elementary natural necessity of the people, the problem of the food of the people under these administrations. No

doubt there are various causes for unemployment, and they are very big and complex.

I do not propose in this resolution to dwell at very great length upon the causes. They may be due to the loss of industry and to the lack of industry. No doubt, it is so far as Bengal is concerned, to a great extent due to the fact that a large portion of our population has been compulsorily drifted only to look upon agriculture, which is the least remunerative of all occupations, for their bread. And there is that further problem of the absolute lack of any work for the agriculturists for half of the year. Now, Sir, there is no organisation or occupation to keep them engaged during the vacant time. When I tabled this resolution, I did not only intend to consider the problem of the educated unemployed or the middle class unemployed but the unemployment of all the classes. The middle class is more vocal and their problem is generally more acute. But really there is unemployment all over the country. We ought also to consider whether this vast population should depend entirely on agriculture for their maintenance knowing full well that they have got sufficient vacant time to occupy themselves with other profitable occupation. Is it not the duty of Government to consider and devise measures to find employment for the people?

The question may arise why State aid is sought in this respect. It is well known what are the sources of income of a nation. They are industry, trade and transport. Is it possible to have any industrial organisation without State aid? Has any country in the world which calls itself civilised and enlightened been able to leave the question of industry uncared for, to be looked after by the people only? State is bound to give aid and the State is bound to provide machinery for industrial organisation. What are the sources of income by means of which the people can add to their wealth? By production and service. Production can only be obtained from agriculture and industry and service in trade and occupation. Now, to have production from agriculture and industry it requires State aid, and agriculture ought not to be left in the primitive condition in which it is at present. Agriculture ought to be industrialised: there ought to be organisation in agriculture. As regards industry it requires immediate help and immediate organisation. Whatever industry we had we have lost and there is no industry. Foreign industries are encroaching upon us. In this connection if one would enquire how the State can aid, we may simply look to our neighbouring countries. Look to Japan and you will find that the majority of industries are small and middle sized ones, all subsidized by the State and the State has a fund for that purpose.

The Hon'ble Mr. H. S. SUHRAWARDY: Have they no unemployment question in Japan?

Mr. KAMINI KUMAR DUTTA: Not so acute as here: they are trying their best to remove it. They have local credit societies and through those societies loan is given to the industrial enterprises. This Government can very well raise a loan for the purpose of starting local credit societies, local economic councils and provincial economic councils and find out measures for giving State aid to the local industries under proper supervision and care.

Very recently I had occasion to look into an official report of the Japanese Government with regard to their small and medium-sized industries. There I found that more than half of their industries are of that character. I also found that in 68 per cent. less than 50 persons are engaged and the people of the locality are engaged in small and medium-sized industries. It may be said that it will require a long time to do this. When there is earnestness and strong desire, the barrier of time can be removed: it is no excuse at all where there is a strong will and desire to ameliorate the condition of the people. I would urge that it is the primary duty of the Government and the blame should not be put on the people that they are unskilled and so on. People may be unskilled but they should be made skilful. It may be that the people of this country are not as energetic as the people of other countries; but they have to be made energetic, and it is the duty of the Constitution and the Ministry to build up the nation and not to allow the people to remain in the condition in which they are at present. These arguments should not be put forward.

As I said, if wealth is to be increased the sources of production and service which are connected with the industry, trade and occupation should also be improved. To have improvements in any of these, the intervention of the State and the help of the State is required. The State cannot lay the blame on the natural causes or what has happened in the past.

If a scheme is asked for now it would not be possible to place it here immediately. Look to what the other countries are doing. In Japan there are provincial economic and local district economic councils which are in charge of the problem of unemployment and which are guiding the industrial regeneration of the country with the help of the State. Non-official aid is always sought for and is always availed of by this Council. My resolution is a very simple one. It asks Government to apply itself particularly to this problem—not only with respect to the unemployed educated classes but with respect to the problem of all classes of people. In this country agriculture is practically the only means of livelihood of the people. We know what income an agriculturist gets from agriulture. We know that the agriculturist lives from hand to mouth and every one who lives in a village, will admit that even in the villages almost one-third

of the population is practically landless. They have not even the agriculture to fall back upon. That is not an element which is to be ignored and the problem of the educated middle classes is the acutest of all and requires a speedy remedy.

In this country there is practically no balanced occupational structure. Really we do not know to what occupation to apply ourselves. There is no agency by which people will know what occupation is more profitable or in what occupation the people ought to occupy themselves. There is no balanced occupational structure at all in the country. It is the duty of the State to have a balanced occupational structure to be built up with the guidance of the State so that people will know what are the profitable occupations to which the mind of the people should be applied and to which people should resort for their livelihood. These are the manifold duties which it is for the Ministry to perform. In order to do this it is necessary to have attention centralised and to have one particular portfolio and one particular department for the working out of the means to solve the unemployment problem. It is with this particular object that I am moving this resolution to open a particular portfolio in charge of a Minister with a board of expert advisers to help him. If one is tempted to ask what is the remedy for which you ask? To him I will say multiply the business units. You ought to survey the different areas in this country and find out the requirements and resources of that area and basing your calculation on the result of that enquiry, you can find out various means and for that you ought to have different organisations. By survey I mean economic survey of the different areas. Each particular different area would give you different data of your requirements and the different agencies to be employed. All these require particular attention and organisation.

Recently we have been hearing of some sort of business training to the young people. We have been hearing from a business magnate about the competency of the educated people to manage business and other things. This department ought to see that the people do find scope for business training. For that Government can ask for the co-operation of the big Indian business firms and other corporations. They may not only aid in the matter of business training but they may also usefully give employment to the people trained in business. All this can be co-ordinated and can be done by the Minister in charge of the portfolio of unemployment. So if suggestions were asked this is not a place to give any opinion or to give any scheme; the scheme would have to be worked out after careful survey and careful thought but certainly the main problem can be tackled, that business units are to be multiplied and there ought to be extensive industrial regeneration and industrial development. Even the primitive mode of agriculture ought to be changed. Agriculture ought to be industrialised, technical

education ought to be given and in all this department can work for the welfare of the people and I move this resolution with the hope—and it is a very simple resolution—that it will be accepted by the whole House

Mr. PRESIDENT: Motion moved that "This Council is of opinion that a special unemployment portfolio in charge of a Minister with a board of expert advisers to help him, should be immediately opened."

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move an amendment to this resolution. The amendment runs as follows:—

"That for the words 'portfolio in charge of a Minister with a board of expert advisers to help him, should be immediately opened' the following shall be substituted:—

'Committee in charge of the Hon'ble Finance Minister with a board of experts and consisting of some members from both the Houses should be immediately opened with a view to devising ways and means to solve the question of unemployment in Bengal and with that end in view amongst other works to open small and middlesized localised industries in different parts of Bengal.' "

Sir, may I also be permitted to make a verbal alteration? It should be "under" in place of "in charge" and in place of word "opened" the word "formed" may be substituted in order to give it a definite form.

So that I may not be misunderstood, I must say at the beginning that I associate myself with every word that has fallen from the lips of my hon'ble friend Mr. Kamini Kumar Dutta in moving his main resolution. The thing that really urged me to put in the amendment is what has been expressed by the leader of the Congress group namely, that it may be taken as meaning that a twelfth Minister might be added with this portfolio in charge of a Minister. That is the thought which urged me to put in an amendment like this, to put the word "committee" in place of "portfolio," so that the meaning cannot be in any way misunderstood. Of course the hon'ble mover has told the House that what he really meant was that this portfolio is to be under the control of one of the eleven Ministers but all I do say is that in a resolution it is better for one to be precise in his expression. It appears in rule 24, sub-clause (*a*), that it (a resolution) shall be clearly and precisely expressed and so raise a definite issue. For the precision of the resolution I want to change the word "portfolio" into "committee" and I want to make it precise further that in place of "a Minister", "the Hon'ble Finance Minister" may be substituted so that the resolution will become as precise as anything and will not be capable of double meaning. If my hon'ble colleagues of this House

will kindly turn over to page 6 of the Agenda of to-day's business, they will find that Mr. Kamini Kumar Dutta has tabled another resolution to this effect. This is No. XXI—"This Council is of opinion that a Committee, etc."—here the word "Committee" comes in and I think very precisely and very rightly and not the word "portfolio" and here also the words "Hon'ble Finance Minister" comes in. So it will be evident that I have taken these words from his resolution when I put in my amendment. Therefore, Sir, what I have put in my amendment is exactly the words which have been used by my friend in Resolution No. XXI, namely, "should be immediately formed with a view to devising ways and means to solve the question of unemployment in Bengal and with that end in view amongst other words, etc." I have used the expression "amongst other works" because my friend was very anxious in his speech to make it very clear that he wants not only relief for the unemployed middle class but also for the peasantry in Bengal for the period during which they remain unemployed. Therefore I have used the words "amongst other works, to open small and middlesized localised industries in different parts of Bengal." These are the words in Resolution No. XXI which when added to the first resolution will make one complete resolution and will make the meaning clear for the purpose of solving the question of unemployment. So, Sir, as I said at the beginning, I have not moved my amendment in any spirit of hostility to the resolution which has been moved by Mr. Kamini Kumar Dutta. I associate myself with every word that he has uttered and I want that his resolution should be precise and should not be capable of double meaning. He also does not want that a twelfth Minister should be added and really my friend used the word "committee" in Resolution No. XXI, that I have imported.

I do not like to dilate upon the necessity of the question of solving the unemployment problem in Bengal. With these words I will commend my amendment for the acceptance of this House and even I would request my friend the hon'ble mover of the resolution to accept the amendment. If he does so, it will go as a main resolution and my amendment will vanish.

Rai SURENDRA NARAYAN SINHA Bahadur: On a point of information, Sir. Can this House propose any committee consisting of members of both the Houses?

Mr. PRESIDENT: It is a recommendation that the House is of opinion that a committee should be formed. It is for the Government to form a committee and they can form a committee consisting of members of both Houses. It is not a select committee of the House; it is a joint committee.

Mr. HAMIDUL HUQ CHOWDHURY: Is it a fact, Sir, that this House has got no power to appoint a committee consisting of members of this House as well as some outsiders, whether they are members of the other House or not?

Mr. PRESIDENT: The question does not arise. This resolution only wants to recommend something to the Government. Whether the committee can consist of members of the other House or even outsiders, that is not the point.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the subject of unemployment is not within my portfolio; so the Government policy in regard to this resolution will be enunciated by my colleague, the Minister in charge of Agriculture and Industries, as also by the Home Minister.

According to Rules of Business it is within the portfolio of the Minister for Agriculture. Whether a separate portfolio will be created or not that will be dealt with by my friend the Hon'ble Home Minister.

Sir, so far as the necessity of solving the unemployment problem is concerned, I do not think there is a difference of opinion in this House. There is also not any difference of opinion that the unemployment problem of the middle class educated youths is very acute, but I am very much disappointed that I have not got much light from the discussions that have been made in this House. My revered friend Mr. Kamini Kumar Dutta said that in other countries it is the primary duty of the State to help in the solution of the unemployment problem. I think with that also nobody can disagree. Mr. Dutta has said that State always helps industry. This is also an admitted fact, but the State helps industry in particular ways. Except in Russia nowhere development of industries takes place by starting of industries by Government themselves. Government generally help industries by giving tariff protection, by giving bounties and by giving expert advice and by purchasing their products. These are the principal ways by which industries are given help by Government. In this country also, particularly recently about 5 or 6 years ago, the Government of India gave a very good impetus to the sugar industry by giving a tariff benefit to that industry.

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. Is this point exactly before the House, the question of ways and means for solving unemployment or whether the point before us is the institution of a suitable machinery for solving the problem of unemployment? Are we entitled to discuss the various ways and means in connection with this question?

Mr. PRESIDENT: In a point of order you are to raise a definite issue; you are not to ask a question on a point of order. You are to state precisely why the Hon'ble Minister is not in order.

Dr. RADHA KUMUD MOOKERJI: My point is that the discussion should be strictly limited to the subject matter of the resolution and should not go into any detailed discussion of the various ways and means for solving the unemployment problem.

Mr. PRESIDENT: That is the duty of the President. You are only to state your objection.

Dr. RADHA KUMUD MOOKERJI: My point of order is that it is not relevant.

Mr. PRESIDENT: I hold that he is in order.

The Hon'ble Mr. NALINI RANJAN SARKER: My friends went as far as Japan. I am confining myself to the borders of India. I have not gone out of India yet for my examples. From India I am coming to Bengal. I may tell my friend Mr. Kamini Kumar Dutta that it is not with Government assistance alone that industries can be developed in this country.

The Government of India gave a great impetus and help to the sugar industry by the imposition of a high tariff wall, but as Mr. Dutta knows in spite of the help and impetus given by the Government, we Bengalees have not been able to do much; why much, practically nothing, towards the revival of the sugar industry in Bengal. Government will certainly do its utmost by helping the industry by buying its product, as my friend Mr. Ranajit Pal Choudhury has observed. I may mention in this connection that as a matter of fact the present Government have already issued orders that in all Government purchases the goods produced in Bengal should be given preference to goods made in India. It is absolutely necessary that not only the Government should help but the public also should be commercially and industrially minded in order that machineries could be created by which the unemployment problem could be solved. Though we always say that by industrialisation our unemployment problem can be solved, I do not accept the proposition wholly because even if we can produce the entire amount of goods required in this country, which for the present we import from outside, you will find that only a small portion of our unemployment problem can be solved. Under the prevailing conditions, even if you start home industries, the basic fact is that the position of the agriculturists who form the bulk of the population of this country should be improved first. If that is not improved and if the purchasing

power of the agriculturists is not increased, I think you cannot, even by starting industries, hope to be successful to any large extent in solving the unemployment problem of this country.

My hon'ble friend, the mover, has said that even if necessary Government can raise a loan and try to solve the unemployment problem by starting industries or other business. We are prepared to consider any scheme which my friend can suggest for raising a loan. We can borrow even Rs. 10 crores but the question is how to spend it.

Mr. LALIT CHANDRA DAS: Why not have a committee of experts?

The Hon'ble Mr. NALINI RANJAN SARKER: What would they advise on? First, you will have to settle whether you want to commit the Government of Bengal for the responsibility of starting industries throughout the province.

Mr. LALIT CHANDRA DAS: First get the advice from the experts.

Mr. KAMINI KUMAR DUTTA: May I be permitted to offer an explanation as to what I have said? Perhaps, the whole of the speech of the Hon'ble Finance Minister is based on an assumption on something which I have not said.

Mr. PRESIDENT: You can do so if the Hon'ble Finance Minister gives way.

The Hon'ble Mr. NALINI RANJAN SARKER: I have no objection.

Mr. KAMINI KUMAR DUTTA: Sir, it is not my resolution that Government itself should start an industry. In my resolution I suggest that Government should aid the industrial enterprises started by other people and this can be done through rural societies or credit societies organised by the Government.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, regarding the sort of help given to small industries, my friend the Hon'ble Nawab Bahadur of Dacca will place the facts before you. I may tell this House that as a matter of fact with Government help an industrial corporation has been started for the purpose of financing small industries. We have often found that the question of Japan has been brought up in discussions of questions of commercial enterprises. We

do not know how Japan maintains her small industries. I know of instances where America and England have tried to imitate Japan, but they have not been successful in finding out how Japan has generally been able to manage its own industries. In Japan industries are helped by bounties, tariff protection and by some other Government help but Government themselves do not start industries.

Then, Sir, Mr. Dutta wants to create surroundings for industrial development. As far as surroundings are concerned, I do not think Bengal lags behind the other provinces. As you know, Sir, our province leads in the jute industry, the coal industry, the tea industry and some of the engineering industries and these industries have made a very great progress, practically they are now at the saturation point. So, so far as surroundings and environments are concerned, I do not think we lag behind. It may be that due to various causes our people do not like to invest their money on account of the risk involved and that is perhaps why industries have not been started by our people.

As regards the suggestion of Mr. Lalit Chandra Das that we should obtain expert advice, so far as I know, our Industries Department have got their own specialists who have prepared various industrial schemes. The Department will initiate these schemes very shortly.

As regards industrial and agricultural improvement, Government are always helped by expert advice.

As regards the suggestion of starting a separate portfolio, I think there is a separate subject under the Hon'ble Minister for Industries and Agriculture and the subject is called "Unemployment Relief" of which the Hon'ble Minister is in charge. So I do not think that a separate portfolio is necessary or a separate advisory body need be constituted just at the present moment. The present Government are trying to formulate their agricultural and industrial policy very soon. At the time of the next budget I hope they will present to the House their whole policy regarding industrial and agricultural development. After that if you think that a committee is necessary or further expert advice is required, then these questions may be considered. So far as experts' reports are concerned, we can utilise the United Provinces Government's Unemployment Committee's report and we can utilise the various reports of commercial committees and councils that are available to this Government.

For these reasons, Sir, I do not think that at this stage a separate committee or a separate portfolio is necessary.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, my hon'ble friend Mr. Kamini Kumar Dutta has brought in a resolution in the subject matter of which we have been interested from the very beginning of our career and I had occasion to speak on this subject in this Council and its predecessors from the beginning of 1912. The

very first resolution that was tabled by me in 1912 was to appoint a committee to enquire into the unemployment question of Bengal. Since then several members and I brought up that resolution. I knew in 1912 what would be fate of that resolution. The country was then not prepared to hear me. The Member in charge of the then Council said that this matter was not taken notice of by anyone and they would therefore take no notice of it and it was practically negatived. I made a speech and then there was the speech of the Hon'ble Member in charge and there the matter ended and I was told at that time that the matter was not worthy of consideration. Since then the matter went on being discussed and you will find from the proceedings of the Council that many members said a good deal about it. It has now become a question of first importance for all beginners.

Here my friend, Mr. Kamini Kumar Dutta, thinks that Government have not tackled the problem to the extent that it requires and he wants Government to take the advice of experts in the matter and also to have a separate portfolio or a department of unemployment.

Mr. RANAJIT PAL CHOUDHURY: On a point of order, Sir. May I submit that as there are other members desiring to speak on the subject, Government members may reply after they have heard other members?

Mr. PRESIDENT: He is not replying on behalf of Government.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I am not doing so. I am speaking on my own behalf as one of the oldest members living in this country. All my contemporaries have now passed away. My friend wants the House to believe that Government have not understood the problem and that they are not alive to the necessity of having some department to deal with the unemployment question. On the contrary, I can tell him that Government have got a department of unemployment and that department is now being run by the Hon'ble Minister in charge of Agriculture and Industries Department. Now if you say that he should confine his energy only to the unemployment question and nothing else, if that is your intention, I should be glad to have his other portfolio or the department under my charge and run it. The Hon'ble Minister has got to look to other subjects as well. So if you think that the Government are not alive to the necessity of having a department like this, you are wrong. They are fully alive to it.

Then comes the question of ways and means. My friend has suggested a lot of ways and means. In my early days I thought that one of the means of solving the unemployment question was by passing the Primary Education Act. I there proposed that I should have

Rs. 1,30,000 for distribution among our young men so that they might get at least an assured income from Rs. 15 to Rs. 25 per month while living in their own villages.

I was misunderstood all along on this unemployment problem which I wanted to solve by taking a crore and 30 lakhs of rupees from the people and asking the Government of India also to contribute another two crores of rupees for distribution among the middle class people and I was then thought a visionary. But I think if you want to solve the problem of unemployment for the middle class people and if there is a scheme which can bring comfort to a lakh and 30 thousand families of Bengal situated in every remote corner of it, the problem of unemployment would have been solved. Unfortunately the country had got no idea and the country had rejected it at once saying that money should not be distributed in the way the Nawab Saheb had suggested. So I say if my friend Mr. Kamini Kumar Dutta thinks that Government do not think of unemployment, I want to disabuse his mind of it. I must tell him, I, a Minister of Bengal, wanted to solve this problem of unemployment in my early life, with the advice of my the then chief who was ruling by distribution of money more equitably to our young men who are without any employment. So my scheme of Primary Education Bill was accepted by Government and Bengal Government also proposed to the Government of India for a grant of an additional crore of rupees for the success of the scheme so that our young men could get from Rs. 15 to Rs. 30 in every village at least. If a lakh and 30 thousand people have been employed in that way with the additional money coming from the Government of India, the problem of middle class unemployment would have been solved. I know there are people who will not allow us to do that and who will put all sorts of obstacles in our way. I know several friends of mine sitting on the Opposition Benches have misunderstood me. However, the Bill was passed and if the country would accept the Bill now and distribute the money which they can get under that Bill to the middle class people some employment will be given to them. That is one of the ways of solving the problem with which we are confronted. There are other solutions also and one of them, which my friend has suggested, is by industrialisation of the country. As regards that there should be no two opinions. So far as small industries are concerned which will bring wealth to every individual of the country there can be no objection. But the moment you will think of opening more mills, I know many of my friends will at once rise and say that mills should be stopped or there should be strike all over the country and there should not be any payment to the investors. But the real solution lies in opening big mills. I know some of my friends consider the people who have invested money in opening big mills as enemies of the country and as if they have done wrong to India. But I believe,

on the contrary that unless you start big mills in the country and increase its wealth all over, you cannot actually solve the problem of unemployment.

Dr. RADHA KUMUD MOOKERJI: Since you, Sir, have been pleased to give latitude for the discussion of this motion I take the advantage of saying a few words on the general problem of unemployment. I find that we should hold all the Ministers jointly and severally liable for inadequate attention that is being paid to this acute problem of unemployment. I say jointly and severally because the Ministers are in a hurry to claim that they are already administering these subjects and I find also that additional responsibility is being claimed by several Ministers with reference to this topic. At the same time I must judge Government by what they are doing. There is a budget which they presented before us but the budget does not seem to be very alive to the supreme need of solving this problem. Of course they have many excuses. They had not had sufficient time to produce a more nationalistic budget. Now as regards the problem——.

The Hon'ble Mr. NALINI RANJAN SARKER: The budget provides for employment of 10 thousand men.

Mr. RADHA KUMUD MOOKERJI: That touches only the fringe of the problem. I say the problem is a vast and fundamental one. The problem of unemployment is a problem ultimately of social order affecting the very fabric of society and the State. It cannot be dealt with in a tinkering way by half-hearted measures and cannot be dealt with piecemeal. You have to go to the root of the problem that underlies our social structure. Now, first of all if you go to the foundation of our economic structure and if you really consider the greatest good of the greatest number, you must first of all tackle the problem of agriculturists—a problem of the 75 per cent. of our total population. You will find that every peasant in India for the matter of that has been pronounced by experts to be insolvent.

(At this stage Rai Surendra Narayan Sinha Bahadur crossed between Mr. President and Dr. Radha Kumud Mookerji.)

Mr. PRESIDENT: Order, order. Rai Bahadur, you should not cross between the speaker and the Chair.

Dr. RADHA KUMUD MOOKERJI: Every Indian peasant has been adjudged by experts to be insolvent and bankrupt. Now, on this subject, evidence was produced at the Ottawa Conference and it was there

explained that whereas the prices of what the peasant produces, have gone down by 50 per cent., the prices of what he has to buy have not gone down to that extent. Although the peasant has to buy certain necessaries of life like kerosine, a little clothing and a little bit of salt which he does not produce, he has not the wherewithal to buy these, or to maintain himself properly and therefore every peasant to-day is bankrupt. If you really try to solve the problem of unemployment, you should build up a different structure of society. It is a problem of social order. India cannot be built upon the basis of one per cent. literacy. It will not do for you to say, you have the dumb millions with you. So long as the millions and the masses are dumb, you have no future. You must make the masses articulate. No country in the world has ever built itself up on the basis of one per cent. literacy. Therefore, the first step to the solution of the problem of unemployment must come from universal primary education. When we approach the Minister of Education he says, "Yes, yes, we are very alive to the problem and we are busy with our schemes." God knows what are the schemes and when they will be produced but in the meantime India goes on with this burden of illiteracy choking her national life. India is not fit to be called a civilised country with one per cent. literacy and with her dumb millions.

The war against unemployment must be a war on all the fronts. There is the problem of mass education. Secondly, there is the problem of peasantry. What is the Government doing to secure to the peasants a fair price of what they produce? It cannot build up Bengal on the basis of a bankrupt peasantry. You are sending many industrialists to liquidation every day through your courts of law. But the peasantry do not require any court of law to be declared insolvent. They stand bankrupt. We have all acknowledged that every single individual peasant is a bankrupt. Can you build up the future for this country on the basis of appalling starvation and bankruptcy? There are several Ministers and they will stand up and say "I am doing this in my department." No single proof is forthcoming as to whether they are really in earnest about this fundamental problem of our national life. What steps are you taking to-day to see that the agriculturists get fair prices of their produce? You are making too much of urban life and fair wages for labour. Pray, is not the agriculturist a labourer? Can he not lay claim also to the same privilege? You first give to the tillers of the soil a fair price for the fruits of their labour and on that foundation you build up the economic fabric of the country. And, therefore, all the classes, the upper layers of society, must combine and make collective sacrifices to secure to the peasants who are the foundation of our economic structure a fair price of what they produce and then the consequences of this arrangements must be shared by all the classes together. Then thirdly, if you

can put agriculture on its feet, if you make agriculture profitable, you give automatic employment. Employment must not await doles and favours.

The problem of unemployment must solve itself. It does not need to depend upon favours; it must depend upon the operations—the sure operations—of natural economic forces, which must be set free. You must remove the obstacles which hamper the work of beneficent natural laws. Now, after you have put Agriculture on a sound foundation, you can come up to Industry, and next you can come up to the problems of urban life. First of all rusticate the urbanized people; send them back to the life of the villages; and you must rebuild the foundation of the social structure in the village, and then you can start real nation building. You say the problems of sanitation, malaria, etc., are receiving your attention, but you have decimated the villages by your criminal neglect of sanitation and public health in the rural areas. Whenever you are faced with questions, you say "Oh, we are taking all steps, we are making experiments for combating malaria, we are distributing quinine, and doing this and that". All this is tinkering with the problem. There is no systematic scientific planning for the relief of unemployment, which is ultimately the problem of poverty. Let us next come to Industries. What are you going to do? Your reply always is: "We have our Director of Industries who is reporting on this industry and that industry." But I want to know whether Government have got a list of small industries which can be started with profit, as other provincial Governments have done. I want this Government to be a dynamic and not a static entity. You say you are moving and ask us to wait, but are we to wait till Doomsday? You say you are moving along the right direction, but I wonder whether you will go on till Doomsday like this. You say that you are producing schemes. If it is Primary Education, you say you are scheming; if it is the poor condition of agriculture, then also you say that you are scheming, and that the Ministry is making laudable efforts in every direction. Therefore, I say nothing need be done! Our Ministers are quite full of self-praise. You have formed yourselves into a Mutual Admiration Society. Your reply always is: "We have anticipated all your suggestions. We are really moving along the lines you have indicated." That is the attitude you have taken, and, therefore, I say that I hold the members of the Cabinet jointly and severally responsible for this growing problem of unemployment which may one day involve us in a revolution and sweep us all way—Hon'ble Ministers and others, too.

Now, as I have said, Sir, the first step should be universal free and compulsory primary education. The second step is the rehabilitation of the bankrupt agriculturists, and the third step is industrial development, with special reference to the particular situation in Bengal,

because industrial development for Bengal should mean the development for her small industries, domestic cottage industries, and for that the Department of Industries will be more helpful in working out practical schemes which may be taken up with profit by youths who have got the requisite technical training. I know, Sir, in other provincial Governments lists are made of small industries together with estimates of capital that may be required to make those industries successful business ventures. I do not know whether any such definite schemes have been formulated here. Therefore, the proposal that has been moved is very, very inoffensive. It simply wants to offer help to Government, to the offer the hand of co-operation. The meaning of the resolution is that the subject of unemployment should be administered as a special subject by a Minister upon whom responsibility must be fixed. You cannot have the system of diarchy, divided responsibility, any longer. So far as the fundamental purpose is concerned, therefore, what is proposed is that a particular Minister should be held responsible for the administration of this special subject, and he should have always ready to hand a committee of experts to help him with further schemes that may really aid in the solution of this very important and difficult problem. And with your permission, Sir, the mover of the resolution may just slightly alter the wording of the resolution so that it may meet the needs of the situation.

Mr. E. C. ORMOND: Mr. President, Sir, from the tone of the speeches which have been made it is clear that every one in this House is alive to the importance of active steps—not merely nominal steps—being taken to lessen unemployment in this province. One point, Sir, which arises out of this motion would appear to be this. The question has been raised in the motion that there should be a portfolio for unemployment. The Hon'ble Minister for Finance has said that he is attending to the subject, and we understand that we are shortly going to hear the Hon'ble Minister in charge of the Department of Agriculture and Industries replying to the debate. Well, Sir, the question of unemployment is one which to my mind cuts across every department of every Minister. There is unemployment in Agriculture; there is unemployment in Iudustry; it so happens that the same Minister is in charge of Agriculture and Industry, but, Sir, it is another Minister who is in charge of Labour, and, surely his portfolio and his department must be concerned with problems of unemployment also in regard to Labour but from a different aspect. Then, again, there is unemployment—considerable unemployment—among the lawyers of this province. There are, I believe, thousands of lawyers doing work that could be done by only a hundred or a little more, and those people are men of Bengal just as much as the agriculturists, just as much as the industrialists. They are out of employment, and they too come within the purview of this unemployment

problem. My own idea is that some steps should be taken to prevent so great a number of young men being cajoled and entrapped into an expensive legal education and then taking up a profession of Law. It has been said—and truly said—that the Law is a hard mistress, and if you are going to be a lawyer you have got to spend your time and life on hard work. These young men embark upon this career and then they find that whether they work hard, whether they show any aptitude for their work or not, there is no work for them to do, because too many of them are ensnared into this profession by what, I believe, is a false ideas of the importance of the profession of Law in relation to other professions.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: The Bengal Tenancy (Amendment) Bill will give them wholesome occupation.

Mr. E. C. ORMOND: Yes, the Bengal Tenancy Bill will no doubt give them some occupation, as my hon'ble friend says. But I do not suppose this indirect method of treatment of the unemployment problem is the one on which the Government will wish chiefly to rely—the introduction of bad Bills: or Bills so hurriedly drafted or so hurriedly amended as to give the greatest possible employment in the future to the legal profession. I mention this matter of legal unemployment, Sir, not only as a specific point of importance but as an example to illustrate the point that in my view the question of unemployment cuts across every department, and even the Judicial Department has got its say. Then, Sir, there is the question of employment on the seas and employment in the fisheries, and I believe there is not a single department of Government which has not contributed, or could not contribute, something to the problem of unemployment, and it is for that reason I take it that this motion has been moved —that it wants some new organization departmentally or some new focussing of attention to be done on the subject. So that the different departments of Government may collaborate more than they have done in the past in making a common and definite effort for the solution of this problem of unemployment. And in that respect and to that extent I would favour the motion when it speaks of having a separate portfolio. But, Sir, Government have assured us that they are treating this matter not lightly but as an important matter, and it is for them to arrange their own internal departmental activities, and as they have been in office only for a very short time. I would submit that hon'ble members of this House may take this assurance of Government and give them time—give them a chance. And if the Hon'ble Minister for the Finance Department or the Hon'ble Minister for Agriculture and Industries gives us a definite assurance that something will be done on these lines to collaborate in the work of the different

departments, then, Sir, the hon'ble mover of the resolution may perhaps care to withdraw his resolution. It will be observed that in regard to finance, of course every problem comes to be a question of finance in this province. Therefore, the unemployment problem is only one of many which come to the Hon'ble the Finance Minister, and I take it that that also must have been in the mind of the hon'ble the mover of the motion when he was referring to a scheme for a separate portfolio. I take it that he wished to focus special attention upon the problem and not merely that attention which this problem gets when it is one of the hundred and one other problems not only of one Minister, viz., the Minister of Finance, but also of one of many, say ten other, problems of the Minister of Agriculture and Industries and also one of the many problems of the Department of Labour. In respect to the motion itself, we on this side of the House do not feel that we should vote in favour of the motion as it stands. We would prefer to give the Hon'ble Ministers and the new Government time and see whether they would fulfil their undertakings and do something active without procrastination, as one of my friends suggests here towards bettering the position with regard to unemployment. We would not, I think vote for this motion as worthy of our support, provided we are given sufficient assurance and an undertaking which would give us confidence that something would actively be done.

Mr. PRESIDENT: Is it fair, Mr. Ormond, that you should announce beforehand that you would vote for this resolution before you have heard other speakers? You ought to have an open mind, and come to a decision when you have heard the whole debate.

Mr. E. C. ORMOND: I may say, Sir, that I have kept an open mind and shall of course do so to the end of the debate. But as I have meant to say, Sir, if this undertaking is given then I feel that that will satisfy me. If, however, Sir, in the course of the next six months we find that the undertaking is not being implemented, then that will be another thing.

Mr. KAMINI KUMAR DUTTA: May I, Sir, with your permission make a slight alteration in the language of the resolution, so that it may be clearly understood? I am doing this, Sir, on the advice of some of my friends.

Mr. PRESIDENT: Is it a mere verbal alteration? What is it? Will you please read out?

Mr. KAMINI KUMAR DUTTA: It is this, Sir: "This Council is of opinion that a special unemployment portfolio should be administered as a special subject by a Minister with a board of expert advisers to help him."

Mr. HAMIDUL HUQ CHOWDHURY: That is not a merely verbal alteration, Sir.

Mr. PRESIDENT: As it has been objected to, I am afraid I cannot allow you to make this alteration.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir. The resolution has been moved, and can it be altered at this stage?

Mr. PRESIDENT: As an objection has been made, I have already said that this alteration cannot be allowed. So, your point of order does not arise.

As there is no more time for us to-day, I shall adjourn the Council now, and shall take up this matter to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m., on Thursday, the 16th day of September, 1937.

Members Present:

The following members were present at the meeting held on the 15th September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Chowdhury, Mr. Hamidul Huq.
(14) Chowdhury, Mr. Humayun Reza.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Esmail, Khwaja Muhammad.
(22) Goswami, Mr. Kanai Lal.
(23) Haider, Nawabzada Kamruddin.
(24) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(25) Hossain, Mr. Latafat.
(26) Huq, Mr. Syed Muhammad Ghaziul.
(27) Ibrahim, Khan Bahadur Maulvi Mohammad.
(28) Jan, Khan Bahadur Shaikh Muhammad.
(29) Kabir, Mr. Humayun.
(30) Karim, Khan Bahadur M. Abdul.
(31) Khan, Khan Bahadur Muhammed Asaf.
(32) Khan, Maulana Muhammad Akram.

(33) Laidlaw, Mr. W. B. G.
(34) Maitra, Rai Bahadur Brojendra Mohan.
(35) McKerrow, Mr. J. A.
(36) Momin, Begum Hamida.
(37) Molla, Khan Sahib Subidali.
(38) Mookerjee, Mr. Naresh Nath.
(39) Mookerji, Dr. Radha Kumud.
(40) Ormond, Mr. E. C.
(41) Pal Choudhury, Mr. Ranajit.
(42) Rahman, Khan Bahadur Ataur.
(43) Rahman, Mr. Mukhlesur.
(44) Rashid, Khan Bahadur Kazi Abdur.
(45) Ray, Mr. Nagendra Narayan.
(46) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(47) Roy, Rai Bahadur Radhica Bhusan.
(48) Sanyal, Mr. Sachindra Narayan.
(49) Sarker, Mr. Indu Bhusan.
(50) Sen, Rai Sahib Jatindra Mohan.
(51) Shamsuzzoha, Khan Bahadur M.
(52) Singh Roy, Mr. Saileswar.
(53) Sinha, Rai Bahadur Surendra Narayan.
(54) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(55) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 15th September, 1937:—

(1) Cohen, Mr. D. J.

(2) Hossain, Mr. Mohamed.

(3) Lamb, Mr. T.

(4) Mukherji, Rai Bahadur Satis Chandra.

(5) Nicholl, Mr. C. K.

(6) Poddar, Mr. H. P.

(7) Roy Chowdhury, Mr. Krishna Chandra.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 15th September, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 16th September, 1937, at 2-15 p.m., being the fifth day of the Third Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Workings of the Bengal Salt Company, Limited.

47. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the attention of the Government has been drawn to the report of Superintendent, Muhammad Hussain, published in papers regarding his inspection of the workings of the Bengal Salt Company, Limited?

(*b*) Is it a fact that Superintendent, Muhammad Hussain, was deputed by the Commissioner of Excise and Salt, Bengal, to inspect the workings of the factories of the Bengal Salt Company, Limited?

(*c*) Is it a fact that the said Bengal Salt Company, Limited, are working to manufacture salt on a commercial basis on the sea coast of Midnapore district?

(*d*) Is it a fact that at the Midnapore sea coast the said Bengal Salt Company, Limited, follows the Burma method of salt manufacture?

(*e*) If so, will the Hon'ble Minister state whether it is a fact that the cost of manufacture by such method is annas seven per maund?

(*f*) Is it a fact that by following the combined method of collection of brine as in Burma and by separating brine by solar evaporation as prevalent in the Madras coast, the said Bengal Salt Company has reduced the manufacture of salt to annas two a maund?

(*g*) If the answers to (*d*), (*e*) and (*f*) be in the negative, do Government consider the desirability of causing an enquiry to be made?

(*h*) If not, why not?

(*i*) Is it a fact that the Irrigation officers are obstructing the Company's officers in laying condensors for salt manufacture by refusing to allow *bunds* to be erected within a certain area on the sea shore?

(*j*) If the answer to (*i*) be in the affirmative, do the Hon'ble Minister consider the desirability of directing the Irrigation Department not to so obstruct?

(*k*) Is the Hon'ble Minister considering the desirability of taking steps to foster the indigenous manufacture of salt in Bengal?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) The Superintendent of Excise inspected the factory of the Bengal Salt Company, Limited, and submitted a report as usual to the Excise Commissioner.

(*b*) Yes. The name of the Superintendent is Maulvi Mokaram Hossain.

(*c*) They are trying to do so.

(*d*) Yes.

(*e*) Yes: this is what the Superintendent of Excise has reported; but it requires further investigation.

(*f*) Yes, for *karkatch* salt, according to the Superintendent's report; but this is under further investigation.

(*g*) and (*h*) Do not arise: but the Excise Commissioner will visit the undertaking and make a further inquiry during the next working season.

(*i*) and (*j*) There was a complaint to the Excise Commissioner and the Collector, and the matter is being dealt with between the Company and the Irrigation Department.

(*k*) This is always being done.

Salt Factory at Fulcheri.

48. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether there is a factory working to manufacture salt on commercial basis at Fulcheri within the Cox's Bazar subdivision of the Chittagong district?

(*b*) If so, is it working successfully?

(*c*) Will the Hon'ble Minister please state whether in 1936 Sir John Woodhead from his place in the Bengal Council held out hope of helping the factory at Fulcheri?

(*d*) Will the Hon'ble Minister please state whether the Bengal Government moved the Government of India to sanction contribution to the factory at Fulcheri? Has the factory been helped in any way up till now?

(*e*) What is the method adopted for manufacture of salt at Fulcheri?

(*f*) Will the Hon'ble Minister please state whether Government intend to start a warehouse at Fulcheri?

(*g*) If not, why not?

(*h*) What is the cost price of manufacture of salt at Fulcheri per 100 maunds of salt?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) A private firm known as the Chittagong Trading Union, Limited, has started a factory at Fulcheri with the object of manufacturing salt on a commercial scale.

(*b*) It has not yet been successful in producing salt on a commercial scale.

(*c*) Yes, in his speech in the late Council on the 26th March, 1936.

(*d*) At the instance of this Government, the Government of India have agreed to grant a subsidy to this firm on a sliding scale for three years based on the outturn of salt. For the reason stated in reply to (*b*) above, the firm has not yet been able to qualify itself for the grant of the subsidy.

(*e*) The Burma method, i.e., by preliminary solar evaporation in condensing beds and then by boiling.

(*f*) and (*g*) If the hon'ble member means the establishment of a warehouse to encourage cottage producers, he is referred to Sir John Woodhead's speech in the late Council on the 26th March, 1936, mentioned above, in which the circumstances leading to the abandonment of the scheme were fully explained.

If, and when, the Fulcheri factory actually starts manufacture on a commercial scale, suitable warehousing arrangements will be made to afford facilities to the firm in the matter of payment of the duty.

(*h*) The cost of manufacture of each 100 maunds of salt in the first year is roughly estimated to be Rs. 57 which may come down to Rs. 39 in the fifth year by gradual reduction in subsequent years.

Mr. LALIT CHANDRA DAS: In answer (*d*), it is stated that the Government of India have agreed to grant a subsidy to this firm on a sliding scale for three years based on the outturn of salt. Will the Hon'ble Minister be pleased to state what that sliding scale is?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I ask for notice.

Girls' Schools.

49. Begum HAMIDA MOMIN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of girls' middle and secondary schools receiving grant-in-aid from Government, district by district;

(*b*) the amount of monthly grant given to each during 1936-37;

(*c*) how many fresh grants-in-aid applications from girls' schools were received during the year 1936-37.

(*d*) to how many of these schools grants-in-aid were sanctioned; and

(*e*) to how many were grants-in-aid refused?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of Minister in charge of the Education Department): (*a*) The number of girls' middle and high schools receiving grants-in-aid from Government district by district is as follows:—

Calcutta	...	22
24-Parganas	...	4
Jessore	...	2
Khulna	...	2
Nadia	...	3
Murshidabad	...	1
Howrah	...	1
Bankura	...	2
Midnapore	...	4
Hooghly	...	2
Burdwan	...	2
Birbhum	...	1
Dacca	..	5
Mymensingh	...	4
Faridpur	...	1

Bakarganj	...	3
Rajshahi	...	3
Pabna	...	2
Bogra	...	1
Malda	...	1
Jalpaiguri	...	1
Rangpur	...	4
Dinajpur	...	2
Darjeeling	...	4
Tippera	...	1
Chittagong	...	2

(*b*) A statement is placed on the library table.

(*c*) Eighty fresh grants-in-aid applications from girls' schools were received during the year 1936-37.

(*d*) In three of these cases grants-in-aid were sanctioned.

(*e*) In the remaining seventy-seven cases, grants were refused.

Dr. RADHA KUMUD MOOKERJI: With reference to answer (*e*), will the Hon'ble Minister be pleased to state why those applications for grants in as many as seventy-seven cases were refused?

The Hon'ble Mr. NALINI RANJAN SARKER: It was for different reasons. I want notice.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state why the grant to the M.A.O. Girls' School was refused?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Mr. NARESH NATH MOOKERJEE: Is the Hon'ble Minister aware that this is one of the most important Muslim Girls' Schools in Calcutta, and as a result of the refusal of the grant by the Government, the Corporation of Calcutta have also refused their grant for the last year?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not aware of it. If proper notice is given, I will enquire into the matter.

Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister be pleased to state why the Berhampur Girls' High School in the district of Murshidabad has not received any grant?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Dr. RADHA KUMUD MOOKERJI: On a point or order. Since the Hon'ble Minister in charge of the Department is absent, will these questions be recorded, so that answers might be given later on, because supplementary questions are very important from the point of view of the public?

The Hon'ble Mr. NALINI RANJAN SARKER: Even if the Hon'ble Minister were present, he could not have stated the reasons for refusing the grant.

Dr. RADHA KUMUD MOOKERJI: As a point of procedure I think that these questions will be recorded so that answers might be given later on.

Mr. PRESIDENT: All these questions are recorded.

Dr. RADHA KUMUD MOOKERJI: Not answers, Sir. Supplementary questions demand an answer sometimes.

Mr. PRESIDENT: Under our present rules, notice will have to be given.

Salt Tax.

50. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what is the total amount of money received by the Government of Bengal from the Government of India since 1931 up till now as allocation of a specified share of the proceeds of the protective duty on salt?

(*b*) How much out of this share received, have the Government of Bengal spent to foster the indigenous manufacture of salt or the growth of the industry of salt?

(c) Is it a fact that the Government of India intended that the Government of Bengal should spend a substantial portion of the amount to encourage the salt industry?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Rupees 16,22,550 up to the end of the calendar year 1936.

(*b*) The Government of Bengal have not spent any substantial sum, as it has not yet appeared that the development of the salt industry is economically feasible in this province.

(*c*) No; certain views expressed in the Indian Legislative Assembly were only communicated to this Government by the Government of India.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the sum of Rs. 16,22,550, which has been received by the Government of Bengal from the Government of India on imported salt duty, has been spent for other purposes.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Well, I cannot say.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state that on account of certain views expressed in the Indian Legislative Assembly and which were communicated to the Government of Bengal by the Government of India, if it does not arise that it was the intention of the Government of India that the Government of Bengal should spend a substantial portion of this 16 lakhs and odd for fostering salt industry in Bengal?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I do not know.

Moslem Education Advisory Committee's Report.

51. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps have been taken to give effect to the various recommendations contained in the report of the Moslem Education Advisory Committee, published in 1934?

(*b*) Has the resolution which was promised to contain Government views about the recommendations, been published?

(*c*) If not, what is the cause of the delay?

(*d*) Does the Hon'ble Minister intend to make a statement as to the final decision of Government regarding the recommendations?

(*e*) Will the Hon'ble Minister please state why no action has yet been taken in the matter thorough the report was published in 1934?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): The report of the Committee covers the entire field of Moslem education in all its branches and it will naturally take time to consider the various recommendations and to give effect to them. Further, these recommendations involve large capital and recurring expenditure, which can only be provided gradually in view of the present state of provincial finances. Government have given effect to some of the recommendations and are considering others.

Government can make a statement only when they have come to a final decision on the various recommendations of the Committee.

Mr. NUR AHAMED: Will the Hon'ble Minister be pleased to state when Government are going to give full effect to the recommendations of the Committee?

The Hon'ble Mr. NALINI RANJAN SARKER: As soon as the examination of the Report is complete.

Khan Bahadur ATAUR RAHMAN: May we know what are the recommendations to which Government have given effect?

The Hon'ble Mr. NALINI RANJAN SARKER: One of them is the provincialisation of the Moslem Girls' School in Calcutta.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May we have an idea as to when we can expect Government decision on this.

The Hon'ble Mr. NALINI RANJAN SARKER: It is very difficult to state the time, but I hope that by the next Budget Session Government will be able to make up their mind as to what recommendations they can give effect to.

College Education of Girls.

52. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that there is a tremendous and growing demand in Chittagong for college education of girls?

(*b*) Will the Hon'ble Minister consider the desirability of raising the Khastagir's High English School to the status of an intermediate college for girls?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) I have no information.

(*b*) If the necessity for the addition of intermediate classes to the school is established, I will be prepared to consider the question but it may be noted that there are certain legal difficulties which will have to be examined and solved.

Mr. HUMAYUN KABIR: In view of the answer given to clause (*a*), will the Hon'ble Minister be pleased to state whether he is prepared to accept this question as an indication that there is such a demand?

The Hon'ble Mr. NALINI RANJAN SARKER: Certainly not. It is a request for action, I believe.

Mr. HUMAYUN KABIR: Mr. President, Sir, I ask a ruling from you. Is this a request for action?

Mr. PRESIDENT: The question itself shows that there is a demand. Will Government accept it?

The Hon'ble Mr. NALINI RANJAN SARKER: Government will not accept the demand.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the Government are not prepared to accept this as an indication of demand for a Girls' College in Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. The object of questions is to obtain information and not to make any request or ask what is the policy they are going to adopt. I think, it will be a dangerous precedent to create, if we were to accept this kind of thing as a formal notice of a certain state of affairs existing in the Province.

Dr. RADHA KUMUD MOOKERJI: I beg to say that the question involved is a matter of opinion.

Mr. HUMAYUN KABIR: May I make the submission that since it is provided in the Rules that every statement, made by a member, is made on his own authority and he is responsible for the accuracy of every statement, therefore when he asserts in the form of a question that there is such a demand for a Girls' College, this should be taken as a notice by the Government.

Mr. PRESIDENT: In the supplementary question the hon'ble member wants to know whether the fact is known to Government or not because the Hon'ble Minister has said in reply to the question that he has got no information. It is a question asking for certain information and that information has been given. It is not the purpose of a question to ask for any action. As you know our present rule does specifically deny it.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether it is a fact that Government has no information because there has been no enquiry?

The Hon'ble Mr. NALINI RANJAN SARKER: We did not make any enquiry; that is a fact.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the Government is contemplating the desirability of making such an enquiry?

The Hon'ble Mr. NALINI RANJAN SARKER: Not just at present.

Extra Copyists of the Registrar of Assurances, Calcutta.

53. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the extra copyists of the Registrar of Assurances, Calcutta, have not been paid their respective remuneration for the month of July, 1937, for want of Budget grant?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state the reasons therefor?

(*c*) Is the Hon'ble Minister considering the desirability of making arrangements for their payment, in anticipation of sanction of the demand concerned?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) Under the Transitory Provisions Order, 1936, Government authorised the expenditure for the first six months but the allotment was found to be inadequate on account of increase in the number of registrations during the current year.

(*c*) Steps are being taken for payment of the dues of these copyists as early as possible.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the on'ble Minister be pleased to see that the poor workers in the office the Registrar of Assurances, Calcutta, are paid their dues for July mediately.

The Hon'ble Mr. NALINI RANJAN SARKER: Although it is a quest for action, still I would try to comply with the hon'ble mem- r's wishes.

Electricity Licences.

54. Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble inister in charge of the Commerce and Labour Department be pleased state—

(*a*) the number of licences that have been granted under rule 40A of the Indian Electricity Rules, up to date, to—

(*i*) electrical contractors, and

(*ii*) workmen;

(*b*) how many of each of the above classes are—

(*i*) Bengalees and

(*ii*) Non-Bengalees;

(*c*) what is the total number of supervisors to whom the necessary licences have been granted;

(*d*) of these licences how many are in—

(*i*) A class,

(*ii*) B class,

(*iii*) C class,

(*iv*) D class, and

(*v*) E class;

(*e*) how many in each of the classes in (*d*) are—

(*i*) Bengalees,

(*ii*) Anglo-Indians, and

(*iii*) Europeans;

(*f*) whether in granting such licences the same test was applied in the case of European (including Anglo-Indian) and Indian firms; and

(*g*) how many A class supervisors are in the employ of—

(*i*) Indian firms, and

(*ii*) European (including Anglo-Indian) firms?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Licences have been granted to 69 electrical contractors and permits to 399 workmen.

(*b*) I have no knowledge; the hon'ble member is referred to the list of electrical contractors, supervisors and workmen who have been granted licences and permits by the Licensing Board, Bengal. A copy of the list is placed on the library table.

(*c*) Certificates of competency have been granted to 325 supervisors.

(*d*) The hon'ble member is referred to the list placed on the library table.

(*e*) and (*g*) I have no knowledge.

(*f*) Yes.

55. Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) whether it is a fact that the personnel of the Licensing Board as constituted under rule 40-A of the Indian Electricity Rules has a preponderatingly European majority;

(*b*) whether any member has been taken on the Board from the College of Engineering and Technology, Jadavpore;

(*c*) how many institutions are there in Bengal where electrical training of the college standard is given; and

(*d*) how many other provinces in India have introduced such system of granting licences;

(*e*) whether the rules and regulations for granting of licences in Bengal are similar to those introduced in the other parts of India;

(*f*) if the answer to (*e*) be in the negative, the reasons for adopting different rules in Bengal;

(*g*) whether such rules are in force in Great Britain;

(*h*) whether the Government are prepared to withdraw the rules introduced and to defer their re-introduction by another ten years;

(*i*) whether the Government are prepared to devise ways and means to turn out sufficiently qualified men for the trade during the next ten years;

(*j*) whether they are aware that the introduction of the rules have increased unemployment in the area where the rules have been made operative; and

(*k*) whether they are aware of the Press agitation touching the way in which the Licensing Board is functioning?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No, the majority are Indians. There is, moreover, no proportion fixed for Europeans and Indians.

(*b*) No.

(*c*) I have no information.

(*d*) So far as I am aware the system for the grant of licences and certificates to electrical contractors and supervisors has been introduced by the Government of Bombay and the United Provinces. I have no information whether the system has been introduced by any other Governments.

(*e*) The regulations framed by the Government of Bengal under rule 48 (*i*) of the Indian Electricity Rules, 1937, are somewhat similar to such regulations framed by the Government of Bombay.

(*f*) Does not arise.

(*g*) No, but I understand that they are under consideration in Great Britain.

(*h*) No, not as present advised; but the matter is under my consideration.

(*i*) There is no need for Government to do so, as I understand there are a sufficient number of qualified men.

(*j*) There may have been certain disturbance in the employment, and in order to minimise it Government gave ample notice of the introduction of the rules. The situation will become normal as the requisite licences, certificates of competency and permits are taken out.

(*k*) No.

Last Census.

56. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that during the last Census operation owing to the non-co-operation movement in Bengal, thousands of Bengalees did not get their names registered?

(*b*) Is the Hon'ble Minister considering the desirability of moving the Government of India to rectify the Census records in Bengal, and, if necessary, by recommending to the Government of India to hold a fresh census in Bengal in the near future, to be conducted in accordance with a plan to be carefully formulated by Government with the approval of the Bengal Legislature?

(*c*) If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) No. A fresh census will in the usual course be held in 1941.

(*c*) Because Government have no reason to suppose that the enumeration was in any way faulty.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Will the Hon'ble Minister be pleased to state if he denies that there was a non-co-operation movement on the part of the Congress against the last Census operation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There was no non-co-operation movement.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether it is a fact that the Congress carried on a propaganda against the Census in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That was in 1921.

Mr. NAZIMUDDIN AHMAD: Are the Government aware that the Civil Disobedience movement was in force at the time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, but so far my information goes, the Congress did not carry on any propaganda against Census operation in 1931.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister be pleased to state if his answer to question (*a*) is based on special reports taken from the District Officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is within the special knowledge of Government. The local officers are the legitimate source of information—it might be the District Officer, Divisional Commissioner or some other officer under Government.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Does the Hon'ble Minister deny that the Census was taken in 1928 and the report was published in 1931 and there was non-co-operation movement on the part of the Congress against the Census operation in 1928?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There was no non-co-operation movement in 1928.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Are you sure of it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I am afraid, you are wrong.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to have enquiries made by reference to the District Officer as to whether Congress actually pursued their obstructive policy against the Census operation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are perfectly satisfied on this point and do not consider any further enquiry necessary.

Dr. RADHA KUMUD MOOKERJI: I wish to have more light thrown on the mysteries. They must be prepared to take us into their confidence. Is it the way they can give answer to an important question like this? I want to know whether they made enquiries and whether on enquiries made they can say "no". This sort of *ipsi dixit* will not do.

Mr. PRESIDENT: In asking questions there should not be any argument; you can merely ask a question.

Dr. RADHA KUMUD MOOKERJI: The Hon'ble Minister drives me to an argument.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Dr. Mookerji is questioning your ruling.

Mr. PRESIDENT: In a question no argument can be used. Your question is quite right. It was whether there was an enquiry and the Hon'ble Minister has answered it.

Dr. RADHA KUMUD MOOKERJI: I wanted to know whether the Government did make an enquiry into the specific matter and whether the Congress was engaged in boycotting the Census, and if so, in which districts the boycott was effective? Was any comprehensive enquiry made? I want to have an answer to that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no such question here.

Dr. RADHA KUMUD MOOKERJI: The question is quite plain. The fact is stated that the Congress had boycotted the Census operation. My question is whether the Government made an enquiry into the fact of this boycott and the extent of its effect on the Census operations. It is a supplementary question to his reply of "no" to clause (*a*).

Mr. KADER BAKSH: Is it not within the knowledge of my learned friend, Dr. Mookerji, as to whether there was this boycott, and let him put a direct question "If there was any such thing"?

Mr. PRESIDENT: It is not a point of order. Mr. Kader Baksh is bringing in another question.

Mr. HAMIDUL HUQ CHOWDHURY: The Hon'ble Mr. Sarker is best fitted to answer this question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Will the hon'ble member please repeat his question?

Dr. RADHA KUMUD MOOKERJI: My humble submission is that the supplementary question arises out of the Government's answer of "no"—

Mr. PRESIDENT: Dr. Mookerji, whether a supplementary question arises or not, comes within the province of the President to decide. You are merely to put the question. No argument is necessary.

Dr. RADHA KUMUD MOOKERJI: Will the Government be pleased to state whether they made a detailed enquiry as to whether the Congress was engaged in boycotting the Census operation and if so, in how many districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: When it is mentioned in the question of the Maharaja of Santosh: "Is the Hon'ble Minister in charge of the Revenue Department aware that during the last Census operation owing to the non-co-operation movement in Bengal, thousands of Bengalees did not get their names registered——"

Mr. PRESIDENT: Sir Bijoy Prasad, you can simply say that the supplementary question does not arise out of this question.

Mr. HUMAYUN KABIR: There are two parts of the question. The first part refers to the "awareness" and the second part refers to the "non-co-operation movement."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We are not aware.

Tobacco Sales Licence.

57. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that under section 5(*1*) of the Bengal Tobacco (Sales Licensing) Act, 1935, the prescribed fee for one financial year should not be more than Rs. 6 for a licence to sell on wholesale system and Rs. 3 for a licence to sell on retail system?

(*b*) Is it a fact that persons holding retail licence for one year have been charged an extra amount for selling tobacco on special occasion held within the period of licence which varies from Re. 1 to Rs. 3 and thus made to pay twice for the same period?

(*c*) Will the Hon'ble Minister be pleased to say if that is according to law? If so, how?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Yes. The two licences are separate from each other, permitting sale at different places. No separate licence is required for sale from the same premises.

(*c*) Yes. The hon'ble member is referred to rules 5, 6, 7 and 12 of the statutory rules made by Government in exercise of the powers conferred by sub-section (*2*) of section 28 of the Bengal Tobacco (Sales Licensing) Act, 1935, published on pages 1557-71 of Part I of the *Calcutta Gazette* of the 15th August, 1935.

Debt Conciliation Boards.

58. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how many Debt Conciliation Boards have been established in the district of Chittagong up to this date?

(*b*) What is the total number of members of these boards?

(*c*) Out of this—

(*i*) how many are lawyers;

(*ii*) how many are *mahajans*; and

(*iii*) how many are *zemindars*?

(*d*) Has the attention of the Hon'ble Minister been drawn to the fact that there is discontent among the people affected regarding selection of the personnel of these boards?

(*e*) Is the Hon'ble Minister contemplating to issue further rules regarding the selection and appointment of members to these boards?

(*f*) Is it a fact that the Circle Officers who principally select the persons to be appointed as members of these boards are guided by their personal likes and dislikes in most cases without looking to the merits and demerits of particular persons?

MINISTER in charge of the CO-OPERATIVE, CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) 33 (including 3 Special Boards).

(*b*) 165.

(*c*) (*i*) 13; 6 represent debtors, 5 creditors and 2 independents.

(*ii*) 63 are creditors' representatives.

(*iii*) 3.

(*d*) No.

(*e*) Instructions are issued from time to time as circumstances require.

(*f*) I have no reason to believe that such is the case.

Government Pleaders and Public Prosecutors.

59. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state what is the total number of Government pleaders and public prosecutors in Bengal?

(*b*) How many of them are Moslems?

(*c*) How many are non-Moslems?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (*a*) 38 (viz., Government Pleaders—11; Public Prosecutors—12; combined posts of Government Pleader and Public Prosecutor—15).

(*b*) and (*c*) Six are Moslems (Public Prosecutors), 27 non-Moslems and 5 posts are at present vacant.

Mr. KADER BAKSH: Do the Government recognise the inadequacy of Moslem representation in these services mentioned in the question?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: That is a matter of opinion.

Mr. KADER BAKSH: Do the Government contemplate a revision of the existing proportion and rules of appointment?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: That is also a request for action.

Mr. PRESIDENT: Do you contemplate revising the present arrangements?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: The matter is under investigation.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Government be pleased to state if this ratio of 6 to 38 has been followed in pursuance of any fixed Government policy?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: No.

Khan Bahadur ABDUL HAMID CHOWDHURY: Will the Government be pleased to say if the present Government are responsible for this ratio?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: The present Government are not at all responsible for this ratio.

Dr. ARABINDA BARUA: Are there any Buddhists among Public Prosecutors and Government Pleaders?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: No.

Dr. ARABINDA BARUA: Are the Government prepared to consider the case of Buddhists?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: We are prepared to consider their case.

Mr. RANAJIT PAL CHOUDHURY: Are there any Congress men among them?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I hope not.

Mr. HAMIDUL HUQ CHOUDHURY: Do the present Government propose to continue the policy of the old Government?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Here there is no question of policy. Each case is decided on its own merit and as far as I understand, what was done in the past, cannot be set right now, but for the present the question is becoming a little bit difficult because a lot of candidates of different communities are coming forward. These are not matters which the Government have to decide, but a lot of things has now to be done by the Public Service Commission. If the Public Service Commission recommend any particular candidate, we must consider the case on its merit. This is all that I can now say.

Mr. NARESH NATH MOOKERJEE: I want to ask the Hon'ble Minister whether it is in contemplation to divide in future these appointments among the various classes—Hindus, Muslims, Marwaris, Buddhists,——

Mr. PRESIDENT: And Congress. (Laughter.)

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: It has not yet been decided.

Mr. HUMAYUN KABIR: Who is the appointing authority in the case of Public Prosecutors and Government Pleaders?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: On the recommendation of the Public Service Commission, my humble self is probably the man to do so.

Mr. HAMIDUL HUQ CHOUDHURY: Is it the intention of Government to refuse to fix any ratio or proportion for different communities in these services?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Government do not want to bind themselves in any way at present as the matter is under investigation.

Settlement Kanungoes.

60. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that no Settlement Kanungoes for continuous service have been recruited since 1921;

(*b*) the number of Kanungoes in continual employment since 1921 or before;

(*c*) how many of these Kanungoes are going to be thrown out of employment in consequence of the Government decision to drop Midnapore Settlement operations;

(*d*) how many of these Kanungoes have rendered over 15 years' continuous service;

(*e*) whether Government have in contemplation the absorption of these officers in other departments;

(*f*) if the answer to (*e*) be in the affirmative, the names of the departments in which they are proposed to be employed; and

(*g*) if the answer to (*e*) be in the negative, the reasons thereof?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) 147.

(*c*) The exact number has not yet been determined, but the number will be large.

(*d*) All of them.

(*e*), (*f*) and (*g*) The matter is now under examination, but it will be very difficult to absorb a large proportion of these officers.

61. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that Government accorded administrative approval to a scheme of pension for Settlement Kanungoes by letter No. 10740L.R., dated the 29th August, 1931;

(*ii*) that the scheme was subsequently supplanted by a scheme of gratuity by their letter No. 17847L.R., dated the 23rd November, 1935;

(*iii*) that the scheme of gratuity was considered grossly inadequate by the Settlement Kanungoes;

(*iv*) that the amounts admissible under the gratuity scheme would be unevenly distributed, varying from Rs. 1,000 to Rs. 2,000; and

(*v*) that the Settlement Kanungoes submitted memorials to His Excellency the Governor in 1936, for reconsidering Government decision conveyed by the letter referred to in (*ii*) of the question?

(*b*) If the answer to (*a*) (*ii*) be in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(*iii*) This is likely.

(*iv*) The amount would mainly vary according to the length of service prior to 1st March, 1925.

(*v*) Yes.

(*b*) As it appeared that their pay included full compensation for pensionary benefits the late Government did not consider it necessary to reopen the question, nor do I propose to do so.

Mr. HUMAYUN KABIR: With regard to answer (*iv*), will the Hon'ble Minister be pleased to state whether it is a fact that in no case the gratuity will amount to more than Rs. 2,000?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. HUMAYUN KABIR: I am forced to ask this supplementary question because the answer given to my original question is defective. May I submit that no supplementary notice is required for such a supplementary question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I again ask for notice because it is very difficult for me to answer offhand.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With reference to the answer to question No. 59, if I am not mistaken, the Hon'ble Nawab Mushrruf Hossain, Minister in charge of the Judicial and Legislative Department, argued, in disposing of a supplementary question, that if a question happens to be a request for action, it is not admissible, and if I remember aright, you, Sir, said that because the questioner had taken shelter behind the word "contemplate", the question was admissible. I would like you to refer to May, Campion and other works of reference in which it will be found that a question which is a request for action, is admissible.

Mr. PRESIDENT: I shall give my ruling later. In the meantime the House now resumes discussion on Mr. Kamini Kumar Dutta's resolution as well as the amendment moved by Mr. Lalit Chandra Das.

Non-official Resolution.

Mr. HAMIDUL HUQ CHOUDHURY: Mr. President, Sir, I had no intention to take part in the debate that has been started on the resolution of my hon'ble friend, Mr. Kamini Kumar Dutta, simply because the question which has been raised, has been supported by all sections of this House and it has drawn sympathy from everyone within this House and outside; but as the debate has proceeded, it has given occasion for expressions of opinion with which I must say it is impossible to agree at the present time. Before we go and ask the Government to take certain steps to remedy the evil under discussion or to provide employment for the people, the question has to be decided as to the responsibility of Government in these matters. In other words, what is the responsibility of Government as regards its own citizens? More than a hundred years ago the position of Government was one of benevolent neutrality but that position has now been changed. It has gone to its farthest extreme in its acceptance of the doctrine of State's responsibility for the welfare of the masses in some countries. It has been fully enforced in Russia by Lenin. There has been acceptance of the same doctrine by our rulers in England. They have not fully admitted all the implications of the question but they have done so to a great extent. The only place which, I am afraid, is still not recognising this responsibility of the State, is India. Therefore when my friend, the Hon'ble the Finance Minister, said yesterday that he wanted to remain within the borders of his own country and not go to the land of the rising sun for enlightenment, he would in that case find himself groping in darkness because there is no light here which will guide him.

It is now accepted by all that the State does not exist only to keep the country in order. It is the duty of the State—and that a primary duty—to provide food for everybody, employment being only a means to give that food. It has been expressed by the Chief Minister, who is absent to-day, during his election campaign that the problem is one of *dal bhat*. Yes, that is the most important problem of the day. It is the problem to-day, it was so yesterday, and it will be so for all times to come. There has been attempts in different countries to solve this all-important problem in diverse ways. No country other than Russia has succeeded in bringing employment, i.e., food to everyone, irrespective of his position or his status. They have given some food, if not full a meal, to every citizen of the country. If the resolution that has been moved, wants to tackle the question as it affects all classes of our own people and not a particular class, which has so long monopolised our attention, namely, the middle class unemployed, we have first to go down to the largest part of the unemployed population, we have. We have to see how unemployment is divided among the different classes

and then to proceed to find out the remedies for the same. If we go into that detail we find that our people are at different stages employed with different kinds of work and that the largest part is employed in agriculture. It goes without saying that out of every ten members of our citizens nine are occupied with work on the land. Even in that there is division. There is a class which is the owner of the land and cultivates his own land; and there is a class which cultivates the land as labourers without being its owner; above them there is an artisan class; higher above that there is a class which is the product of our Universities and which has not learnt anything except the use of the pen and the paper and that is the middle class. Within that class belong the lawyers whose number may not be large but who are also feeling the pangs of unemployment on account of different circumstances. The unemployment has affected all the classes as enumerated in varied degrees. The lowest being most hit. Soon we will find unemployment among *zemindars* also, although they are not unemployed now. Then there are middle class rent collectors who have also become unemployed. Therefore, Sir, starting from the beginning—what are the means by which unemployment can be solved amongst the largest class? Before the Government contemplate solving a particular problem they have to find out schemes for the purpose. I admit that this Government is not responsible for all the past sins that can be laid at the door of the Government. On account of various circumstances, on account of the fact that representative Government has been introduced only in 1937, the new Government could not go into the country with a well-thought-out programme but still they have to begin it at some time. We have to wait to see whether in time they bring forward a good programme in this House as well as in the other. Then, Sir, there is another great difficulty—the difficulty of finance. Bengal has been suffering from many of her present difficulties on account of want of finance. There was no good financial adviser to help Bengal or to represent her case when the Meston Award was made. Madras with a lesser population though not a lesser area has got the highest revenue in India. They have now a revenue of 16 crores of rupees while Bengal can bring to her people a sum of only 12½ crores. We may get a further sum if full effect is given to the Niemeyer Report but that would not be sufficient to solve all our problems. We will have to press for further revision of the financial arrangements. Different interests have now come to be represented in the centre and the chances will be very much more difficult. The Government of India has been taking from us every year a special tax in the form of jute duty of which there is no parallel in any other province—a sum equal to 4 crores a year. They have taken it for the last fifteen to twenty years. It was started as a war measure for a special purpose, but it has been continued though all the circumstances have vanished, and yet Bengal has not pressed her case. No case had been made out that the special tax should be given back to Bengal—the tax of 4 crores of rupees a year

raised from the poorest of her people. I submit that there is no justification for continuing this tax, and so long it is continued to be imposed, we must get the whole of this tax. The Government have promised only sixty-five per cent. or perhaps sixty-two per cent. of the tax, but we shall have to press for the entire amount before we can launch any programme. We shall no doubt have to search our own pockets as well and find out what we can pay for ourselves at home. Before we do that we shall have to find out way for a more equitable distribution of the taxes amongst the different classes of the people. But, at the same time, we have to get a larger portion of the tax, we pay to the Central Government, back. The Hon'ble Finance Minister has asked for suggestion to solve the problem, from this House. I submit, Sir, that it is not befitting any Government to ask us for suggestions. Government have specialized technical knowledge at its command and it is for them to prepare schemes. But we too are ready to help Government with schemes and suggestion, if necessary. I, Sir, in my humble way, can give a layman's scheme before the House. I have not tested it with the knowledge that experience brings or with technical knowledge of the difficult question of finance. I will take the case of the unemployed amongst the agricultural class. What are the reasons for their unemployment? Shortly put, it is due to decrease in the productivity of land; increase in the population dependent on land; fall in the price of the produce of land and the ruination and the consequent disappearance of the cottage industries, which gave part-time employment to the agriculturists. First we have, therefore, to increase the productive capacity of the land, and simultaneously we shall have to give them a better price for what they produce. Now let us consider what is the money-producing crop in this province, that is jute. Jute is the largest exportable article in Bengal, and in that it has got no rival throughout India. It commands seventy-five per cent. of our total export. The total valuation in 1925 went up to rupees 100 crores. It may be said that that was the peak year. No doubt whether it was. That was the year in which Bengal got 110 crores all from outside. In the prosperity of the jute trade we get real prosperity. For it means real increase in the wealth of the nation; and our problem is to increase that wealth. It can't be done by robbing Peter and putting that in the pocket of Paul. We cannot really bring prosperity to the mass by taking all that the landlords have, and giving it to the mass, for there is no increase in the wealth of the nation. Therefore, we have to divert our attention immediately after the present storm over the tenancy legislation is over to find out ways and means as to how best to increase our wealth. Therefore by improving the jute trade as a whole we can come nearer to solving the problem. I consider that there is no other immediate possible way of increasing our total wealth than by organizing jute. Our panacea will not come by passing legislation fixing a higher price for jute; that will be an unenforceable piece of legislation.

A machinery—and a better machinery—for getting higher prices will have to be found out. In order to give the jute growers the best of prices they will have to be organized into bodies on the co-operative system. They would then be better able to eliminate the smaller exploiters. But, Sir, why not go a little above that? Why not exclude all the middle-class exploiters for the trade? In the *mufassal* to-day we find that jute is sold at the door of the cultivator at the rate of Rs. 3-8 per maund, whereas in Calcutta, I believe, the price is Rs. 7-8 per maund. This difference of Rs. 4 must go somewhere. Where does it go? This figure does not represent the entire cost of transport from the villages to the door of the purchaser or to the jute-press owners here. Therefore, a substantial part of it, about Rs. 3, goes into the hands of the middle-men. We shall have to eliminate them. How can we do that? It is only by organizing co-operative societies of jute-growers that we can do this. Organize them into compact bodies; bring them immediately into touch with the consumers who are for the present the millowners.

Mr. PRESIDENT: You have reached your time-limit. How long will you take to finish your speech?

Mr. HAMIDUL HUQ CHOWDHURY: In about five minutes, Sir.

Mr. PRESIDENT: I can give you only one minute.

Mr. HAMIDUL HUQ CHOWDHURY: I don't think, Sir, I shall be able to finish in one minute. However, Sir, I will say what I can within that period. I will say this, that Government should immediately divert its attention to the method which I am suggesting. I consider that this is the only way by which immediately, and without much effort, and with much less controversy, and much less opposition, greater wealth can be brought to the door of the people.

The Hon'ble Mr. NALINI RANJAN SARKER: May I rise, Sir, on a matter of personal explanation? My hon'ble friend, my predecessor in his speech, said that I refused to go outside India for fresh ideas. I never said that, Sir. What I said, is this that with reference to industry we need not go to Japan. Even in our own country Government gave a protective tariff for sugar, but the Bengalees did not take advantage of that protection. That is all that I meant.

Mrs. K. D'ROZARIO: Mr. President, Sir, in supporting the resolution of the hon'ble member Mr. Kamini Kumar Dutta, I do not desire to prolong the duration of the discussions on the resolution with which I feel that most members of this House are in sympathy but I would like to suggest that in any eventuality the authority or department entrusted with the duty to enquire into and effectively eradicate this omnipresent and growing canker of unemployment which is eating into the substance of all classes and communities—particularly the one I

belong to—and causing immense suffering and demoralisation, will act promptly. It is a terrible experience for able and intellectual young people on the threshold of life to realise that their country has no use for them. I would suggest that the names and addresses of the more than 7,000 professional and improfessional graduates who earned degrees from the Calcutta University during the past 2 years be obtained from the University with a view to ascertaining how many of these degree-holders are earning even a nominal wage—most of these young men and, latterly, women discontinue studies after graduating and go in quest of work, but hardly 10 per cent. of them secure suitable employment. It is pathetic to contemplate what happens to the vast majority who belong to the middle class and drift into the ranks of the lower class being unable to procure the ordinary amenities of life. Before Government tackle the gigantic problem of unemployment among the masses, the solution of which will involve much enquiry and cause appreciable delay, I would ask that the problem of unemployment among the educated middle class be made their immediate consideration and concern.

Khan Bahadur SAIYED MUZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to speak a few words on the Unemployment Portfolio Resolution of Mr. Kamini Kumar Dutta. Sir, the unemployment problem is the chief problem in Bengal which the public and their representatives in the Council want the popular Ministry to solve. If this problem is solved, twelve annas of the *dal-bhat* problem, for solving which the Premier is pledged, will be automatically solved. Give full work to the millions of agriculturists and agricultural labourers who have no work for at least four months in the year, and who have, in consequence, to live on half or quarter ration for several months in the year, and give work also to the thousands of educated unemployed youths who have no work at all and you will solve the *dal bhat* question. It is admitted by all, Sir, that the solution of the unemployment question lies in the industrial and agricultural regeneration of the country. The Hon'ble Finance Minister also admits it, but we are told that except in Russia, in no other country, Government take any direct action with regard to the industries which are left to private enterprise and that the State merely help and guide by bounties and expert advice. Sir, may I enquire if there is any sin in our imitating Russia in the matter of industries? Is it sinful for a Government to start big industries under its direct control for giving necessary industrial training to youngmen and for giving a lead to private enterprise? Is there any harm in making experiments with proper caution? The impossibility of yesterday becomes a possibility, and, an easy possibility of to-day and science is daily proving it. Was there ever any big achievement anywhere without experiment and without risking or even wasting, if you

would call it, some money on experiments? Our countrymen do not like to take risk because of the permanent settlement—it may be true, and it is all the more the reason that they should be taught to take risk and should be made to realise the truth of the proverb, "No venture, no gain," and the Government should show the way by taking risk to some extent.

Sir, I feel very strongly in this matter of unemployment and industrial and economic regeneration of the country. The days of playing with the problems of industrial regeneration have passed. We are now face to face with stern reality. If we are to live, we must industrialise our country, no matter at what cost and at what risk. Government must grapple with the problem earnestly and vigorously and not merely show sympathy. We must wage war against the spectres of unemployment and starvation and must defeat our enemy. We must make a life and death struggle to extricate ourselves from the grips of unemployment and starvation. The sinful waste of huge man-power in our country must be stopped without delay. Government can and should do a lot. They can send out hundreds of youngmen to foreign countries for industrial training, they can bring in scores of experts from foreign countries for starting factories under their management. They can raise money by declaring guaranteed dividends or by imposing a sale tax on luxury and earmark it for industrial and agricultural regeneration only. They can start factories of jute and heavy chemicals and such other goods of which the raw materials are easily available in Bengal. They can grant bounties and subsidies. They can organise the cottage weaving and dyeing industries and can introduce jute as yarn for weaving not only sacks and *durries*, but also cloths. Instead of only twenty-five demonstration weaving schools which only show the *tamasha* of weaving, they can establish hundreds of permanent weaving and dyeing schools for actually teaching weaving and dyeing not only to men but also to the women of every village in Bengal. They can start propaganda for the use of indigenous articles. There is no risk in most of these. It is only in big industries that there is some risk but Government should face it and show that if run with proper care and caution, the risk is negligible. If the Government take earnest and vigorous action on the lines suggested, they will have done their duty, even if the ultimate result be not appreciable, and some money may be found to have been lost in the experiment.

Sir, we must here be inspired by robust optimism, and must have courage, if we really want to make any headway. We should have the examples of Japan and Angora before us. If a half-civilized nation could turn into a first class industrial nation within thirty or forty years to the wonder of other highly industrial countries, if the "sickman" of Europe could regain the full vigour of health within a decade, and if even the proverbially indolent and lazy China could

assert itself to show signs of regeneration, cannot Bengal do anything to develop her economic resources? We must make a desperate attempt at economic regeneration—no matter at what cost and at what risk, and we want the popular Ministry to take note that this is the considered opinion of the majority of this House. When a war is forced on a country, it does not care for expenditure nor thinks of risk. We are forced to declare war against unemployment and let us now strain our every nerve and tap every source for bringing it to a successful close.

Sir, unless the unemployment problem be a separate major subject in charge of a Minister, the urgency of giving a start to industrial and agricultural regeneration is likely to be lost sight of and so, Sir, I join with the hon'ble Mr. Ormond in urging that the Ministers should give a definite undertaking to treat "the unemployment problem" as a special subject in charge of a particular Minister.

Mr. HUMAYAN KABIR: I move that the question be now put.

Mr. PRESIDENT: I will put the question subject to the right of reply of the Government member and of the hon'ble mover of the resolution.

The question was then put and a division taken with the following result:—

AYES—21.

Banerjee, Rai Bahadur Keshab Chandra.
Bose, Rai Bahadur Manmathanath.
Chakravorty, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzem Ali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mahan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Chaudhury, Mr. Ranajit.
Ray Chawdhury, Maharaja Sir Manmathanath, of Santosh.
Sanyal, Mr. Sachindra Narayan.
Sarkar, Mr. Indu Bhusan.
Sen, Rai Sahib Jatindra Mohan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—25.

Ahmad, Mr. Naziruddin.
Ahmad Mr. Meshahuddin.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Rezzaqui Haider.
Cohen, Mr. D. J.
Ellahi, Mr. S. Fazal.
Esmail, Khwaja Muhammad.
Hossain, Mr. Latafat.
Huq, Mr. Syad Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Jan, Alhadj Khan Bahadur Shaikh Muhammad.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Mollah, Khan Sahib Subidali.
Nichall, Mr. C. K.
Ormond, Mr. E. C.
Rahaman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Roy, Rai Bahadur Radhika Bhusan.
Roy Chowdhury, Mr. Krishna Chandra.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

The Ayes being 21 and Noes 25 the motion was lost.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, in rising to speak on this resolution I find myself in a difficult position. The wordings of the original resolution and the amendment moved by Mr. Lalit Chandra Das are such that I cannot support either. In the first place, the resolution asks for the creation of a special unemployment portfolio to be in charge of a Minister. If Mr. Kamini Kumar Dutta, the mover of the resolution, had urged the creation of a portfolio without any Board of expert advisers, I would have welcomed the proposal. On the other hand, the amendment raises a very difficult issue. It suggests the appointment of a committee and the formation of a Board of experts. It also suggests the opening of small and middle-size localised industries in different parts of Bengal. In my opinion, the proposal, if accepted will not only create complications but will prove unworkable.

So far as the principle underlying the resolution is concerned, it has my whole-hearted support, and in fact I gave notice of a similar resolution for several successive sessions but the ballot box did never favour me. I, however, congratulate Mr. Dutta in his being able to secure the sympathy of the ballot box on this occasion. The problem of unemployment is not only peculiar to this country but it has been agitating the minds of the people of other countries as well. In a free country like England weekly doles are given to the unemployed. But here in India the question which is no less acute has not been properly dealt with by the Government.

With the introduction of Provincial Autonomy, the elected members of the Legislature have been placed in charge of the destiny of the people. I trust, Sir, that the question will have their sympathy and support. When Mr. Kamini Kumar Dutta asked for the creation of a special portfolio I do not think he meant that another Minister should be appointed to be in charge of that portfolio. What he wants is, as far as I could gather from his speech yesterday, that one of the present Ministers should be placed in charge of the special portfolio in order that he may be able to devote his undivided attention to this vital question. Sir, in the absence of accurate figures regarding unemployment I do not think any effective steps can be taken. In the first place, the most important thing for Government to do would be to collect statistics to find out the extent of unemployment in Bengal, because without correct statistics it will not be possible to deal with this quesion properly. In the second place, it is also necessary to prepare a comprehensive scheme as to how this question can be statisfactorily tackled. My friend the Hon'ble the Nawab Bahadur of Dacca is the Minister in charge of the department of Industries and Agriculture. Even if no separate unemployment portfolio is created as has been suggested, the question can be dealt with by the Hon'ble Minister himself, but I do not think that in the midst of his multifarious duties

he can possibly deal effectively with this question. Sir, Mr. Kamini Kumar Dutta explained his proposal in detail yesterday. I do not wish to enter into detailed examination of the question the importance of which is universally acknowledged. The Government should take courage in both hands and approach the question in a spirit of good will and sympathy. For, we in the *mufussil* feel that the extent of unemployment is very acute. In Calcutta one cannot possibly gauge the extent of unemployment. Government have got to find out how many educated unemployed there are in this province: secondly, it should also be ascertained how many uneducated unemployed are there, and different remedies have got to be found out for different classes of unemployed in the province.

Sir, I was very much disappointed to listen to the speeches which were made by the members of the Treasury Bench yesterday. I do not know whether their object is to shelve the question like their predecessors of the old Government. Nowadays we hear a good deal about the problem of *dal bhat* of which the Hon'ble Chief Minister was himself the originator and my hon'ble friend on the left has made a pointed reference to this question. If you really mean business and if you are really anxious to find employment for the people of Bengal and to provide them with *dal bhat*, it will be better to adopt the policy of my friend. I would, therefore, request the Hon'ble Ministers and the Government as at present constituted with all the earnestness that I can command that they should accept the resolution because it has been moved in a spirit of sincerity and good will for the people of this country.

Mr. HUMAYUN KABIR: Mr. President, Sir, I also had no desire to intervene in this debate, but after listening to some of the speeches and in view of the importance of the question which has been raised by the resolution moved so ably by my hon'ble friend, the member from Comilla, I think it necessary to present a point of view which has not been presented on the floor of this House so far. I would begin by congratulating the hon'ble member from Comilla for the resolution which he has brought before this House and also the mover of the amendment; but after having congratulated them, I find it difficult to follow them entirely in the procedure which they have outlined or to accept *in toto* the suggestions which they have offered in the resolution and the amendment moved by them. For, the suggestion to create a Minister with the portfolio of unemployment, in his charge or in the alternative, to have a committee consisting of members of this House and of another place to look into the question of unemployment, seems to me to be the merest tinkering with the problem. If members of the Cabinet were men of super-human intelligence and capability, they

would still have failed to tackle the problem. If the committee consisting of members of this House and of another place were composed of men of supreme ability, they would also have failed to tackle the problem which is so difficult and which has so far baffled economists, politicians and statesmen all over the world. Therefore, Sir the suggestion that a committee or a portfolio can effectively deal with this problem seems to my mind to be entirely unwaranted, but nevertheless it seems to me that the resolution which has been moved brings before us a question which is *the* question of questions in the world to-day.

In order to understand the implications of this problem, we have to extend our vision beyond the confines of our province and even of our country and look to the circumstances of the world as it is constituted to-day. The problem of unemployment is not a problem peculiar to any one country with any one type of Government—whether popular, democratic, autocratic or monarchic. The different countries of the world have attmepted to solve this problem and have so far failed, with probably three exceptions which I shall mention later on, and which in a way suggest to us lines on which some solution of this difficult problem may be attempted.

With regard to the problem of unemployment, there is one further point which I should like to mention. By unemployment we generally mean the unemployment of the *bhadralog* or educated classes. I submit that the question of middle class unemployment and of the unemployment of the masses of the country cannot be kept separate. If we look at the position in rural areas we will find that for the last thirty or forty years the demand for land has been gradually increasing. If we take the census of 1881, we find that the proportion of people who were dependent on land solely or mainly for their livelihood was about 75 per cent. and in the year of grace 1931 the proportion had increased to the figure of about .85 per cent. The pressure on land is therefore continually increasing, and we do not know what is the extent of unemployment among the agricultural labourers. In a word, we do not even know what is the extent or the incidence of unemployment for the province of Bengal.

In other countries unemployment figures have been taken and we find from the records that unemployment is not a phenomenon of recent origin. To-day in Great Britain, there are over a million men permanently unemployed, while the figures for France or United States of America are also colossal, but even in nineteenth century Great Britain, at a time of rapid industrial growth and unprecedented economic prosperity, there were about five hundred thousand unemployed for whom neither the society nor the State could provide any functions. That I take it is the crux of the problem. That takes us to the heart of the malady which is essentially a problem of social maladjustment.

It is essentially a problem where the different members of society cannot find any fruitful channel for their labour, where society cannot find proper use for the human material which is allowed to go to waste. And when we remember the present abuse, the present wastage, want and misery in human society, want and deprivation from which millions of human beings are suffering, this seems to be a mockery of fate that is appalling in its cruelty.

Sir, I have taken the figures from Government and Semi-Government, reports and we find that in India alone about seven crores of people live on the verge of starvation and another fourteen crores live on half rations. If these twenty-one crores who live on half rations or on the verge of starvation could get one morsel of food more per meal a day, this would increase the demand for food which would give employment to thousands of labourers. If each one of them consumed an additional two yards of cloth per year, this would materially improve the condition not only of our mills but even of mills of foreign countries. Here I would specially draw the attention of the hon'ble European members of this House for this is a question which concerns not only us but concerns them as well. In their country also, there is the spectre of unemployment to-day, but if these twenty-one crores of Indians were given the opportunity of living a human life, there would be created a demand which would wipe out the unemployment not only in our country, but also in theirs. In their country, as well as in this country, there is the same maladjustment of demand and supply because of the one hand people are starving, and on the other hand there is surfiet, luxury and wastage and there is a tremendous loss of human material. Men are not getting the bare minimum necessities of life, their wants go unsatisfied, and yet mills stand idle and men go to waste because they are unable to find work which will keep them active and efficient. I will give one more concrete example to make still more clear the point which I am trying to place before the House. In our villages thousands of men, women and children die without medical attendance, there is no proper nursing, there are no proper hospital facilities and yet there are hundreds of doctors who are sitting idle in towns and who do not find proper scope for the employment of their abilities. In Bengal the percentage of literacy, as we know, is barely eight or nine per cent. and yet on the other hand, there are hundreds of middle-class unemployment young men who go about in search of jobs. If the question of primary education could be solved, we would not have to look for jobs for them; the jobs would be there. They would be immediately absorbed in a service of great social utility. Therefore, I would also press it upon the Hon'ble Minister for Education that this question of primary education, apart from its implications for the improvement of our social material, is of definite importance from the point of view of unemployment as well. It would in a day

solve to a very large extent the question of unemployment in our province.

But all this, Sir, require social control. There is a section of opinion in this country which fights shy of the very word 'social control'. There are men who think that social control connotes socialism, communism and I do not know what other 'isms which are taboo to members of that particular variety of opinion. To them I would submit that there is no use quarrelling about a word. Whether we like it or not, social control is a fact in the modern world. Social control has come to stay. It is a fact in the structure of all political societies of all countries in the world, and as I said earlier, probably there are three countries in the world—Russia, Germany and Italy—where not only is social control a fact in the state, but is perhaps the only fact in its structure. And it is noteworthy that these are the only three countries where there is perhaps no unemployment. There the State is left free to interfere in all the spheres of life and to take control of social output of labour for the service of the members of society. Therefore, Sir, the question is one of social control—a question of State intervening for the disposal of the total accumulation of the wealth of the community and deciding how the money ought to be used. The setting-up of machinery for realising such things as death duties, taxes on agricultural income and progressive income-tax are only means to that end. Society should decide what are the social needs and how to employ social forces for their satisfaction. If the State want to apply this principle that everyone must contribute according to his capacity and receive according to his needs, I would submit that this question of unemployment could be solved.

The Hon'ble Mr. NALINI RANJAN SARKER: Does the hon'ble member suggest that the Provincial Government can do all these things?

Mr. HUMAYUN KABIR: Perhaps not all, but I am suggesting that so far as it lies within the power of the Provincial Government, they might consider some of these measures. So far as taxes on agricultural income are concerned, they have been imposed in some of the provinces and there is no reason why Bengal shall not do what others—

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I rise on a point of order. Are these matters relevant to the discussion on this resolution? We certainly admire Mr. Humayun Kabir's lecture on Higher Economics:

Mr. PRESIDENT: Mr. Humayun Kabir, you may go on.

Mr. HUMAYUN KABIR: Sir, I would submit that in order to make my point clear this sort of——

(At this stage the member reached the time-limit but was allowed by the Hon'ble President to speak for one minute more.)

I was submitting, Sir, that this bogey of social control need not frighten us because in every country to-day and perhaps since 1833 if not before, in spite of the doctrine of *laissez faire*, there has been control. There has been and will be control over education and law; in our country the State intervenes even in matters of religious propriety to decide what we can do and what we are not allowed to do. Once you admit this fact, there is no reason why you should not extent it further, particularly in a country like ours when it is the State which has the initiative and capacity for undertaking industrial enterprise. The provision of industries on a large scale by private individuals is often not possible in our country because of our lack of capital, and lack of initiative and enterprises. The Hon'ble Finance Minister has stated that the Government are not in a position to undertake large-scale industries, but he has not told us why.

In our opinion, in a province like ours, where private capital is shy and enterprise often lacking, it is the Government alone which can, and should organise industry and foster the growth of industrial and commercial habits and mentality. In this way alone can the question of unemployment be solved, and it can be solved, in no other way. That is the one point I want to make out. Therefore, Sir, while I cannot fully agree with the resolution so ably moved by the hon'ble member from Comilla, I nevertheless welcome his resolutions as the first faint attempt to adopt the principle of social control over our economic forces, and from that point of view I lend him my whole-hearted support.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, hard pressed as we are in this House for time, thanks to the kind dispensation of the Prime Minister, I shall be the last to stand before you a second more than what is just necessary for me to make a serious attempt to effect a compromise, if possible between the mover of the resolution and the Government.

Let me assure my hon'ble friend Mr. Dutta that we on this side of the House deeply appreciate his move to bring the question of unemployment in Bengal to the forefront—it is a right move in the right direction. The Government must admit that the conquest of bread is the most vital problem of the hour and the industrial degeneration of Bengal is fraught with grave consequences. The Finance Member has rightly complained that people themselves—particularly the young educated middle-class are slow to recognise that in trade and commerce, in industrial and agricultural pursuits lies the economic salvation of

our country and the material prosperity of our people and that indigenous capital is shy. It is a patent fact that a large percentage of our young men after leaving their schools or colleges refuse to recognise the dignity of labour—display a most lamentable lack of enthusiasm for industrial or agricultural pursuits and prefer clerical jobs or literary occupations. The best among them show inordinate eagerness to join learned professions although these are already so much overcrowded. This mentality must go. My hon'ble friend Mr. Ormund suggested that their mind should be turned away from higher education to other concerns. He humourously complained of unemployment among the lawyers and I met his joke by another joke. I said that if the Bengal Tenancy Amendment Bill which is now on the anvail of the Bengal Assembly is at all made an Act it will provide members of the legal profession with wholesome occupation. The joke was passed so to speak to the Deputy President and he remarked that if that bill is passed into an Act the landholders too will soon be in the list of the unfortunate unemployeds. I may tell him that such a dream, if realised, will rebound on his profession; for, as a lawyer himself he must know that quite a large per cent. of the members of his learned profession oftener than not grow rich at the expense of the landholders. Their poverty, I am afraid, will have a disastrous repercussion on the lawyers.

Anyway, Sir, although I agree that the present system of Public Instruction does not enable our young men to derive the utmost material benefit out of their training, it will be nothing short of a retrograde policy to turn away their minds from higher education. The need for drawing them closer to University ideals is now in my considered opinion much greater than ever. We are on the threshold of a new era full of opportunities which we must seize with intelligence and imagination and we can ill-afford to forget that higher education not only quickens human intelligence and imagination but also builds up the backbone of a nation. The Hartog Committee which was appointed in 1922 to thoroughly enquire into the question of educated unemployment in Bengal unlike the University Commission of 1917 and 1918 reported that the evidence which was placed before them distinctly showed that there was considerable amount of unemployment among the educated middle-class of Bengal and the Committee was so greatly impressed by the acuteness of the problem that they strongly recommended that prompt and adequate measures should be taken for the alleviation of the prevailing distress. But I do not agree with that portion of their report in which they unfortunately showed a lamentable lack of sympathy and imagination by saying by observing that the universities are overcrowded with students who do not progress intellectually and should be drawn to other concerns. I should like to say with all the emphasis that I command that there is no sign of intellectual degeneration or stagnency in the life of our students. The highest educational authorities of the day have admitted that the average Indian

University students are intellectually as keen and their mental powers as much creative as those of the students of other universities of the world. What may be rightly depricated is the tendency to push on cultural education at the cost of scientific and technical education. The time has come when a policy of inaction in respect of agricultural education and vocational training must be done away with, or it is sure to lead to disastrous result inasmuch as India's economic collapse cannot but be a serious danger to the world at large.

The Government should realise the grave danger of the present economic situation and partially connect it with the one-sidedness of the present system of cultural education. It should establish agricultural colonies of educated young men, make provisions for helping technical institutions, advance industrial loans to enable young men with necessary training to set up small industries and agricultural firms and to restrict, as far as possible, employment under Government to inhabitants of the province. It is also, perhaps necessary to determine if adequate protection has been extended to the infant industries in Bengal and whether tariff was put on new industries to an extent which has discouraged the producers. It must be admitted that effective tariff protection is a potent remedy for non-employment. It may be that protection has been given in a number of cases within the past decade or so, but if it is to lead to any real growth of industry in this country, I think, it should be more timely, more generous and for a much more longer period than what is done at present. The present economic conditions of the country, perhaps, warrant a more liberal tariff policy.

The Leader of the Opposition has made a passionate appeal for reviving the cottage industries. His appeal as far as I could understand was based on the slogan. "Go back to villages." But however much we may be pround of cottage industries in rural areas, I am afraid, local problems and conditions of local markets are unfavourable to their permanency. I am afraid they may be blurted out without a proper scientific terrafirma to stand upon. With the dawning of the 19th Century a class of middle-class gentry came into existence. They acquired wealth and position through legal, medical and other professions, and they gradually made the district towns the centres of attraction. Naturally the patronage which our local industries used to enjoy in former days was gradually withdrawn from them with the slow migration of their patrons from the rural areas to Calcutta or the district towns. "Back to villages" you may cry, but I am afraid it will be a cry in the wilderness. Even if it succeeds, I seriously ask if it will be a mere response to that appeal to achieve the economic salvation of our country. I think it will not. The cottage industries have been practically destroyed and even if they could be revived and restored, I am afraid, they could neither supply the present demand, nor successfully compete with machine-made articles which have established their claim by their cheapness and uniform standard. I repeat with

all the emphasis I command that cottage industries alone can no longer supply all our needs and consequently to solely depend on them will mean ruralisation of our already urbanised population. In these days of advance and science, will not ruralisation mean complete annihilation of our nationality. Any thoughtful reading of world's history will bear testimony to my assertion. The growth of towns in the West from the beginning of the 14th Century made her astir with life and vitality and the urbanised West triumphed over the ruralised India.

Dr. RADHA KUMUD MUKHERJI: Sir, may I rise on a point of order? I find that the Maharaja is labouring under a mis-apprehension. My point was——

Mr. PRESIDENT: That is a point of explanation. As soon as the Maharaja finishes his speech you will have an opportunity of stating your explanation.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, as I was telling you, it will be a terrible blow to our political and social life if we again go back to the villages. Besides, those who are educated and opulent, will refuse to do so until these villages have been improved—made healthy and unless our rural areas have been provided with amenities of life, pulsating with human interest. Until that is done, it is not possible to drive the urbanised population of our country back to rural areas, but nevertheless we are proud of our home industries. These have got to be preserved and improved. They must be made to stand upon a scientific basis and if we are able to place them on a scientific basis——

(At this stage the member reached his time-limit but was allowed to conclude his speech.)

As my time is up I do not want to take up more of your time, but I cannot resume my seat without giving a concrete suggestion for a compromise, as I indicated in my opening remarks. What I would like to have is a definite pronouncement from Government as to whether any portfolio for dealing with all the questions relating to unemployment in Bengal exists and, if it does, who is in charge of it. Let the Hon'ble Minister tell us if there is none. In that case it has got to be created. Its creation cannot be put up to the Greek Calends. It is the prime need of the moment and it has got to be brought into existence immediately. If it is already there, let us know who is in charge of it, so that when any difficulty arises, whenever a doubt creeps into our mind, whenever we want helpful suggestions, we may go to him straight and not to a wrong Minister to court a refusal on the ground that it is not his business—it is somebody else's business. If

the pronouncement of the Hon'ble Minister is satisfactory, Mr. Dass may withdraw his amendment and Mr. Dutta may, in accordance with it, either withdraw his resolution or modify it like this: "This Council is of opinion that a special unemployment portfolio in charge of a particular Minister should be immediately opened." This will serve our present purpose. Anyway, it is no good making an attempt at this stage to create a machinery for Government—let them create their own machinery but let them not push us from pillar to post. We mean business and we want business to be done in public interest.

Dr. RADHA KUMUD MOOKERJI: On a point of personal explanation, my point was simply this that the educated unemployed should find a very vast sphere of employment in rural reconstruction work and that the latest thing that the Congress Government——

The Hon'ble Mr. NALINI RANJAN SARKAR: Is it a personal explanation?

Dr. RADHA KUMUD MOOKERJI: You should not start at the name of Congress Government. Some Congress Governments are giving effect to the proposal that matriculates should be engaged for a year on a subsistence allowance at the cost of Government to aid rural reconstruction work. That is why I stated that you must rusticate some of your educated youths and send them back to rural areas to work among the depressed classes and backward communities.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I know how much time I shall have so that I can fully explain our policy to the House?

Mr. PRESIDENT: You must try to be as brief as possible.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: All right, Sir, I shall try to be as brief as possible.

Sir, I have listened to the debate yesterday and practically the whole of to-day with a great deal of interest and have tried to find out if there was any scheme presented by my hon'ble friends which could bring milk and honey to this country. The only thing that I have heard is that unemployment is very acute and that the Government are responsible for not doing anything. Only a few speakers have given some suggestions. If my friends on the opposite side had played their part by offering constructive suggestions, I might have had something to go on with, in regard to the solution of the unemployment question—

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Kindly read my last budget speech.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I appeal to you, Sir, if I am to be handicapped in this way with interruptions. I would expect a much better treatment from the Maharaja of Santosh who as a President had conducted the business of the House with much ability.

It is unfortunate that members of this House are not aware of what Government are contemplating to do. It shows a complete ignorance of facts. They do not realise that there has been a complete change of Government since 1st of April, 1937. They do not realise that during the last four or five years there has been a very acute economic depression during which a Retrenchment Committee was appointed. That Retrenchment Committee decided after a great deal of deliberations to curtail or reduce the expenditure of the nation-building departments. For that reason to-day we find that those nation-building departments which ought to have taken their proper place in building up the industry and agriculture of this province, have not been able to do so. But, Sir, it is no use blaming those who are already gone.

A member: You are doing it also.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: One of my friends says that we are doing it also. I submit, he is absolutely wrong in his statement. We have been trying to ascertain what other countries all over the world have been doing to solve this unemployment problem. This is not a new problem. Even those countries which have more education and more wealth, have been trying for years to solve this problem. Even a country like Great Britain, spending £746 millions a year, have started an unemployment insurance and yet they think, they have not been able to solve the problem. Such a country with its vast manufacturing and industrial concerns and its huge wealth has not been able to solve the problem, but here people turn round and say, you ought to have a philosopher's stone which by just rubbing will cause the whole face of the country to be changed in a minute. We have been charged with having done nothing. The House is well aware that we have had to take over an old system of Government and that many of us were new to the administration. It took us some time to learn what were the defects in that system. We have been charged that we have done absolutely nothing. Let me tell my friends that we have prepared a five-year scheme for the industrial and agricultural development of Bengal. I have prepared schemes for rural uplift and reorganisation of the villages of Bengal. All these schemes have been prepared and are just now lying in the Finance Department for financial approval and some are before the Cabinet. Then the House should realise that for the last two months we have been engaged in the legislative work in this and the other House. The Hon'ble the President will not allow me to speak of the other House so I simply say the other House.

Members of the old Government had to deal with only one House but to-day we have to deal with two Houses with double the number of questions, resolutions and other things.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: The number of Ministers has been doubled also.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: There are the Speaker and the President so that has also been doubled.

As I have already stated these schemes are at present confidential but members are perhaps aware from newspaper reports that I have referred to the five-year scheme at some places where I had been on tour.

(During this there were noises and whispers in the Chamber.)

Mr. PRESIDENT: I have to draw the attention of the House to the fact that too much talking is going on in several groups. I would remind the House that if anybody has anything to talk about he must go to the lobby.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If I had time I would have given you sufficient idea of what the department of which I am in charge, has been doing. What I would like to say is that when we took over charge from the old Government, the old Government had only the question of middle-class unemployment which was under the charge of the Minister of Agriculture and Industries. But very lately the whole problem of unemployment has been placed under my charge. Therefore the question of a portfolio with a separate Minister does not arise. I have prepared schemes in regard to middle-class unemployment taking it over from the old Government. I have been placed by the Government in charge of the whole unemployment problem but I have not as yet had time to go into the whole question. As soon as the meetings of the Legislature are over I shall have sufficient time to go into the question and I hope before the House meets again I shall be able place schemes in consultation not only with the members of this House but also of the other House and of the public. If necessary, we may consult our own experts from outside. There are no two questions about that. We all feel that something must be done and that Government are prepared to do as much as lies in their power even if it is only to solve a fringe of this great problem. But before I finish I would like to say one or two words more. Industrial education and industrial knowledge is of no use unless and until you have side by side with it big industrial concerns: No Government by themselves can undertake industrial enterprises. If those monied people in Bengal who have all this time only thought of investing their money in either lending to the tenants or zemindars or other people and in investing it in landed property, had invested their money in industrial pursuits,

half of our problem would have been solved. People from outside coming with nothing at all, the Marwaris, for example, become multi-millionaires because the Bengalee people have had no initiative of their own in this line. Unless and until this thing is inculcated in the people, Government can do nothing. You are to blame yourself if you have not taken the initiative. Had you done so, you would not have lost your business which others have taken away from you. At the same time I should like to explain to the House that agricultural education in Bengal is nil. All this time nobody has considered, no Council has considered that agricultural education is necessary and what do we find here? People from the Punjab, people from England and other places are taking places which would naturally have gone to the Bengalees. Immediately after we came into office we thought that agricultural education was the first thing that we should take up in order to make the people of Bengal agricultural-minded. After training they should go back to the land and improve cultivation by scientific agriculture. As one of my hon'ble friends has said you must improve cultivation to get a greater supply of produce so that you can get more money out of it. We are trying to improve agricultural methods. I mean we are trying to find out methods by which we can give better facilities to the cultivator. Most of our troubles have been due to non-agricultural education. Whatever scientific experiments we have been able to make for the good of the cultivators, we have not been able to impart its fruits to them, because we have had no person to demonstrate to these cultivators that this is the method they should employ to improve their agriculture. That, Sir, has been all our trouble. All the blame of the past has been put on us. I say that within the short time that we have been in office, what we have been able to do, I think very few people could have done.

Next I come to the Fisheries Department. The former Government retrenched this Department. When I came to office, I was supposed to be the Fisheries Minister also, but I found no office, no men, no paper—nothing. Here is an industry which I sincerely believe can give a great deal of wealth to the country and can employ a great number of people in the different subsidiary industries allied to the fishing industry. And I have for that reason provided in this year's budget for a systematic survey of the whole of the sea, estuarine, and inland fisheries of this province. And as soon as the report of the survey is submitted, I hope to be able to place it before the legislature with a scheme for the improvement of this industry. So, Sir, this House cannot say that so far as it lay in our power and within the very short time that we have been in office, and with all our anxieties in other matters we have not done anything.

Dr. RADHA KUMUD MOOKERJI: What about agricultural prices?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On this question of agricultural prices, too, Sir, I would like to say, as I have already said before, that I have not got the philosopher's stone, with which to rub a thing and transmute it into gold. I do not think that my Congress friends who have accepted office in other provinces have been able to do as much as we have done here within the short time at our disposal.

A Member: Question!

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I hope that as we progress—we are your representatives also—if you say that we have not done our duty we are ready to be turned out; we are not afraid of being turned out if it is found that we have not done our duty. Our tenure of office depends on the goodwill of the legislature, and if our supporters believe that we are the proper persons to be placed here in responsible positions, then nobody can turn us out. My friends on the other side at any rate cannot. I have now explained to the mover of the resolution as well as to the mover of the amendment to the original resolution that there is a portfolio of unemployment which has lately been formed, and I can give them this assurance that in matters of this kind I am prepared to accept the advice of any member of this House or of anybody else for the improvement and betterment of the condition of the people of this province, and I hope that, in view of this assurance, they will see their way to withdraw their motions.

Mr. KAMINI KUMAR DUTTA: I will just——

Mr. PRESIDENT: Mr. Dutta, are you exercising your right of reply?

Mr. KAMINI KUMAR DUTTA: No, Sir. I will simply make a statement after which no right of reply will be required. As the House has got a very clear and definite assurance from the Hon'ble Minister in charge of Industries that there is a portfolio in respect of Unemployment and that there is a department dealing with Unemployment and further as a very definite assurance has been given that all aid from outside—both official and non-official—and advice from experts, and all sorts of assistance to be rendered by members of the legislature would be sought for and would be accepted by the Minister in charge of the Unemployment Department, I think my resolution does not require to be pressed any further, because my purpose was really to have an assurance from the Ministry that a department was specifically dealing with unemployment, and that there is a separate

portfolio for Unemployment. Now the House has got a definite assurance that there is a portfolio for Unemployment, and further that non-official assistance and advice would be sought for; so I would seek the permission of the House to withdraw my resolution. And I would also request my friend Mr. Das to withdraw his amendment to my resolution.

Mr. LALIT CHANDRA DAS: Sir, in view of the statement which has been made by the Hon'ble the Nawab Bahadur, of Dacca, the Minister in charge of the Department of Agriculture and Industries, I crave the permission of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Kamini Kumar Dutta and Mr. Lalit Chandra Das to withdraw their resolution and amendment, respectively?

There was a general assent to this.

Mr. PRESIDENT: I take it that the general sense of the House is that this permission be given. The motions are accordingly, by leave of the House, withdrawn.

I will now adjourn the Council till 3 p.m., to-morrow, Friday, the 17th of September, 1937.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 17th day of September, 1937.

Members Present:

The following members were present at the meeting held on the 16th September, 1937:—

1. Ahamed, Mr. Nur.
2. Ahmad, Mr. Naziruddin.
3. Ahmed, Mr. Mesbahuddin.
4. Baksh, Mr. Kader.
5. Banerjee, Rai Bahadur Keshab Chandra.
6. Barua, Dr. Arabinda.
7. Bose, Rai Bahadur Manmatha Nath.
8. Chakraverti, Mr. Shrish Chandra.
9. Chaudhury, Mr. Moazzemali.
10. Chowdhury, Khan Sahib Abdul Hamid.
11. Chowdhury, Mr. Khorshed Alam.
12. Chowdhury, Mr. Rezzaqul Haider.
13. Chowdhury, Mr. Hamidul Huq.
14. Chowdhury, Mr. Humayun Reza.
15. Cohen, Mr. D. J.
16. Das, Mr. Lalit Chandra.
17. Datta, Mr. Bankim Chandra.
18. Datta, Mr. Narendra Chandra.
19. D'Rozario, Mrs. K.
20. Dutta, Mr. Kamini Kumar.
21. Ellahi, Mr. S. Fazal.
22. Esmail, Khwaja Muhammad.
23. Goswami, Mr. Kanai Lal.
24. Hosain, Khan Bahadur Saiyed Muazzamuddin.
25. Hossain, Mr. Latafat.
26. Huq, Mr. Syed Muhammad Ghaziul.
27. Ibrahim, Khan Bahadur Maulvi Mohammad.
28. Jan, Khan Bahadur Shaikh Muhammad.
29. Kabir, Mr. Humayun.
30. Karim, Khan Bahadur M. Abdul.
31. Khan, Khan Bahadur Muhammad Asaf.
32. Laidlaw, Mr. W. B. G.
33. Maitra, Rai Bahadur Brojendra Mohan.

34. McKerrow, Mr. J. A.
35. Momin Begum Hamida.
36. Molla, Khan Sahib Subidali.
37. Mookerjee, Mr. Naresh Nath.
38. Mookerji, Dr. Radha Kumud.
39. Mukherji, Rai Bahadur Satis Chandra.
40. Nicholl, Mr. C. K.
41. Ormond, Mr. E. C.
42. Pal Choudhury, Mr. Ranajit.
43. Rahman, Khan Bahadur Ataur.
44. Rahman, Mr. Mukhlesur.
45. Rashid, Khan Bahadur Kazi Abdur.
46. Ray, Mr. Nagendra Narayan.
47. Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
48. Roy, Rai Bahadur Radhica Bhusan.
49. Roy Chowdhury, Mr. Krishna Chandra.
50. Sanyal, Mr. Sachindra Narayan.
51. Sarker, Mr. Indu Bhusan.
52. Sen, Rai Sahib Jatindra Mohan.
53. Shamsuzzoha, Khan Bahadur M.
54. Singh Roy, Mr. Saileswar.
55. Sinha, Rai Bahadur Surendra Narayan.
56. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
57. Wilmer, Mr. D. H.

Members Absent.

The following members were absent from the meeting held on the 16th September, 1937:—

1. Haider, Nawabzada Kamruddin.
2. Hossain, Mr. Mohamed.
3. Khan, Moulana Muhammad Akram.
4. Lamb, Mr. T.
5. Poddar, Mr. H. P.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 16th September, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, Kt., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srishchandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Saheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th September, 1937, at 3 p.m., being the sixth day of the Third Session, pursuant to section 62 (2), (a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Sixty members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Embankment of river Gumti.

62. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to state whether it is a fact that the embankment of the river Gumti in the district of Tippera gave way at several points at several times between Bibeer Bazar and Jaffarganj during the last twenty years?

(b) If the answer to (a) be in the affirmative, will the Hon'ble Minister please state how many times it gave way during that period?

(c) Whether each time the embankment gave way, there was destruction of crops of the peasants?

(d) How many times the crops of the peasants were destroyed during the last 20 years due to the breaches in the embankment caused by flood-water?

(e) What was the estimated value of these crops for those years?

(f) Whether any compensation was paid to the peasants for destruction of their crops by flood in those years due to the breaches in the embankment?

(g) If the answer to (f) be in the negative, what is the reason for not paying compensation?

(h) Is it a fact that landlords of the affected area pay a tax for the maintenance of the embankment?

(*i*) If so, who is responsible for the maintenance of the *gangail* (embankment)?

(*j*) Is it a fact that experts favour levelling down the *gangail* to allow water to pass away naturally over the country as being the best means to prevent disaster by flood?

(*k*) Is it in the contemplation of Government to adopt any permanent measure with regard to the embankment?

(*l*) Will the Hon'ble Minister please state whether the bed of the river Gumti on the Comilla side has considerably risen due to deposits of silt?

(*m*) If so, will the Hon'ble Minister please state whether the Government intend to dredge away the silt and restore the bed to its original depth? If not, why not?

(*n*) If the answer to (*m*) be in the negative, will the Hon'ble Minister please state the reason therefor?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) to (*d*) A statement showing the information relating to the Government portion of the Gumti embankment, so far as available, is placed on the Library table.

(*e*) I have no information.

(*f*) No.

(*g*) There is no provision in the Embankment Act for payment of compensation in such cases.

(*h*) Yes, for the Government portion of the embankment.

(*i*) A length of about 9 miles only of the right embankment from village Golabari to Solanal and a length of about 21 miles only of the left embankment from village Katakbazar to village Kansanagar, have been under the charge of Government since 1920.

(*j*) No.

(*k*) Yes. The construction of an escape on the Gumti embankment with the object of disposing of a portion of the flood is under consideration.

(*l*) Yes.

(*m*) and (*n*) No. The cost of dredging the river will be prohibitive. Moreover, there will be no lasting improvement as the river will resilt soon.

Canal dues in Damodar canal area.

63. Rai SATIS CHANDRA MUKHERJI Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to state how many certificates have been issued for the realisation of the outstanding canal dues in the Damodar canal area?

(*b*) Is it a fact that water was not available in Damodar and Eden canals for irrigation throughout the period of cultivation for paddy, i.e., between *Ashar* and *Kartick*, in the year 1343 B.S.?

(*c*) If so, does the Hon'ble Minister contemplate to allow proportionate abatement of rates in the canal charge and, if not, what are the reasons of not taking such action?

(*d*) Is it a fact that the Eden canal has become silted up considerably at various places?

(*e*) If the answer to (*d*) be in the affirmative, does the Hon'ble Minister consider the desirability of renovating the Eden canal?

(*f*) Is the Hon'ble Minister aware that the question of the affected area is causing great distress amongst people both in the Damodar and the Eden canal areas and people whose lands are not in the least affected by water from these canals are saddled with canal rates?

(*g*) Does the Hon'ble Minister contemplate to appoint a commission composed of officials and non-officials to enquire into—

(*i*) proper rate of canal charges; and

(*ii*) what lands should and should not be charged with canal rates?

(*h*) Does the Hon'ble Minister contemplate to suspend the realisation of canal charges in the meantime till an exhaustive enquiry has been carried out in all these matters?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*)—

		Number of certificate.
1934-35	...	47
1935-36	...	58
1936-37	...	628
1937-38	...	379

(*b*) Since irrigation from the Damodar canal was started there has not been any year when water was not available in the Damodar and Eden canals during the period of cultivation for irrigation for paddy except in 1935 when the damage to the "Anderson Weir" occurred and the supply of canal water was inadequate.

(*c*) Remissions were given in 1935.

(*d*) There has been no appreciable siltation in the bed of the Eden canal or its distributaries. Some channels associated with the Eden canal system have, however, suffered siltation in varying degrees, but their present sections are sufficient to carry the requisite discharge of water to irrigate the area that generally comes under lease.

(*e*) Improvement of these channels is not necessary at present.

(*f*) I am not aware of any such case.

(*g*) A committee will be appointed to enquire into the matter.

(*h*) The matter will be considered.

Mr. RANAJIT PAL CHOUDHURI: In regard to question (*c*) will the Hon'ble Minister kindly state what percentage of remission was made in 1935?

Mr. RANAJIT PAL CHOUDHURY: In regard to question (*c*), will Sir, I want notice.

Rai MANMATHA NATH BOSE Bahadur: In (*c*) the Hon'ble Minister has been pleased to state that the improvement of this channel is not necessary. May I enquire on what material this has been said?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: According to the report of our experts the channel can carry the volume of water which is now required to supply water to the adjoining area.

Bridge over Saraswati near Triveni.

64. Rai SATIS CHANDRA MUKHERJI Bahadur: (*a*) Is the Hon'ble Minister in charge of the Communication and Works Department aware that the bridge over the river Saraswati on the main road near Triveni has been closed to traffic for the last 5 or 6 years?

(*b*) Will the Hon'ble Minister be pleased to inquire into the reason for this delay in opening the bridge to traffic?

(*c*) When will the bridge be opened to traffic?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) The existing bridge is in a very bad condition and cannot be opened to vehicular traffic without serious risk. The Commissioners of the Bansberia Municipality intend to construct a new bridge in place of the old one.

(*c*) It is understood that the municipality are preparing plans and estimates for the new bridge.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state that during what time the work will be taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, as I have already said the Bansberia Municipality is constructing the bridge, so it is not possible to answer the question without referring it to them.

Unpopularity of Co-operative Department.

65. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the Co-operative Department has become very unpopular in the country?

(*b*) Is the Hon'ble Minister aware that the activties of the Co-operative Department are now practically confined to money-lending?

(*c*) Will the Hon'ble Minister please state how many thrift societies and irrigation societies are there under the Co-operative Department in each of the five Divisions of the Province?

(*d*) Is the Hon'ble Minister aware that irrigation societies can with advantage be organised in eastern Mymensingh district for extension of *boro* cultivation?

(*e*) Is the Hon'ble Minister aware of the public opinion that the money spent on the large additional staff which is going to be appointed will be wasted unless the activities of the department are directed more on thrift and productive lines than on the so-called credit lines?

(*f*) Is the Hon'ble Minister considering the desirability of employing the additional staff in organising and supervising thrift and irrigation and bae-solem societies?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) I am aware of a certain amount of feeling against the department, but not to the extent that it can be said to be very unpopular.

(*b*) No, the activities of the department are not confined to credit organisation only.

		Number of irrigation societies.	Number of thrift societies (which are known as benefit societies).
(*c*) Presidency Division	..	5	12
Burdwan Division	..	942	6
Dacca Division	..	1	8
Rajshahi Division	..	8	5
Chittagong Division	..	1	22
Total	..	957	53

(*d*) There has not yet been any demand for Co-operative Irrigation Societies from the eastern parts of Mymensingh district. The Department will consider such proposals when received.

(*e*) While the importance of attention towards thrift and productive lines is recognised and will not be wanting, in the present circumstances, the services of the additional staff must at first be primarily employed upon the rehabilitation of the position of the credit movement.

(*f*) The additional staff is intended to relieve the present staff of a portion of the very heavy burden of their normal duties which include the organisation and supervision of thrift and irrigation societies, and is thereby intended to improve the efficiency of supervision and control.

Rai KESHAB CHANDRA BANERJEE Bahadur: With regard to answer (*d*), will the Hon'ble Minister be pleased to state whether he is aware that there was a demand for co-operative irrigation societies and the Department said that they were forbidden to take up organisation of a new kind of society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have already given the answer and I have nothing further to add.

Rai KESHAB CHANDRA BANERJEE Bahadur: Did not the Department give a reply that they could not look into the matter for the organisation of new kind of society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state what steps are being taken to make the Department popular?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to answer, but we are trying our level best to appoint these officers and make them as useful as possible and it will also depend upon the advice and assistance of members of the two Houses of the Legislature in the province.

Khan Bahadur ATAUR RAHAMAN: In reply to (*b*) the Hon'ble Minister was pleased to state that the activities of the Department are not confined to credit organisations only. What are the other organisations which the Department is extending nowadays.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to my answer to (*c*) where indication is given as to other activities of the Department.

Khan Bahadur ATAUR RAHAMAN: Is the Hon'ble Minister aware that the Department has failed to repay deposit money to the depositors which are overdue and matured some years ago? Is it not considered as a cause of unpopularity of the Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, my hon'ble friend should have known that this is no concern of the Department. With regard to deposit it is entirely the concern of the Central Banks.

Khan Bahadur ATAUR RAHAMAN: Sir, the unpopularity of the Central Bank means the unpopularity of the Department. It is the Central Bank which is the backbone of the institution and if this is unpopular, I think, the Department is unpopular.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would leave the hon'ble member to form his own conclusion. But I will not admit this, as the Central Bank does not mean the Department, and the two things are entirely separate.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what this unpopularity is due to?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I must ask for notice.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*d*) will the Hon'ble Minister be pleased to enquire whether there was any such demand?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit, this is a request for action.

The Hon'ble President's Ruling.

Mr. PRESIDENT: Is it the contention of the Hon'ble Minister that in asking questions there cannot be any request for action? That point was raised by the leader of the Progressive Party yesterday when he made an enquiry and asked for my ruling on the point. I would like to hear the Government if they have anything to say on that matter. So far as I see in the rules there is nothing barring request for action. While in the well known treatise, Campion says in page 127 "putting these together it may be said that to be in order a question should be genuinely directed to seeking information or for pressing for action, addressed to a minister who is the official responsible for the matter with which he deals, and framed in accordance with the rules of constitutional usage and parliamentary etiquette." He gives an example where he says "the object of a question is to obtain information or pressing for action." Of course, this is a very important right, the right of interpellation, and I consulted Standing Orders of different countries on this point. In our country we have not yet reached a finality as regards Rules and Standing Orders and the House will soon have to frame their own rules. I would like to hear any Hon'ble Minister if he has anything to say that in putting questions there cannot be any request for action, before I give my ruling.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, so far you have already accepted this principle that questions should be for the purpose of information and not for request for action. May I read out to you the Section 24 of the Bengal Legislative Council Rules and Standing Orders which says that "a question may be asked for the purpose of obtaining information on matter of public concern within the special cognisance of the member to whom it is addressed." It is clear from this that the purpose for which a question is asked is for eliciting information and not for a request for action.

Mr. PRESIDENT: It is 'may' here and not 'shall'.

The Hon'ble Khwaja Sir NAZIMUDDIN: For no other purpose for which a question may be asked.

A member: It is not mandatory.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, it cannot be mandatory here. My point is that it would be "shall" here. A question is asked here only for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed.

Mr. HUMAYUN KABIR: Sir, I would like to draw your attention to section 28 of our Council Rules and Standing Orders in which it is clearly laid down that a question will not be admissible on certain grounds, and amongst those grounds, I do not find any mention whatsoever of the particular point which has been raised by the Maharaja of Santosh.

The Hon'ble Khwaja Sir NAZIMUDDIN: Section 28 differs from section 24. Section 24 states for what purpose a question can be put and section 28 says that if the purpose is correct, under what conditions the question can be disallowed. Supposing section 24 is correct, namely, that the purpose is for the purpose of eliciting information, even then it will be subject to the conditions laid down in section 28. I hope the point is clear. First of all, section 24 says, for what purpose a question may be put. Having satisfied section 24, we come to section 28. Supposing a question is for eliciting information, even then it has got to satisfy these conditions before it can be admissible. It does not follow that because these conditions are not there therefore, you can put a question, because section 28 does not contemplate putting questions for the purpose of a request for action. Section 28 never contemplated that. That will be *ab initio* inadmissible. Therefore, it has not been put in; section 28 is only for the purpose of section 24.

Mr. HUMAYUN KABIR: With regard to the section pointed out, I may submit that under section 24, it is said that a question may be asked. First of all, I would draw attention to the word "may" and then if it was the purpose of the Rules to preclude us from asking any question, which is a request for action, the word "only" could have easily been added. There is no such limitation on the power of asking a question on the part of members; and since there is no such limitation, I would submit to you, Sir, that the Rules should be interpreted as liberally as possible. There is no definite prohibition. As I have said, the word used is "may", and not "solely" or "only" or any other word to that effect. I, therefore, submit that even from the interpretation of section 24, we can ask questions which are requests for action.

The Hon'ble Mr. H. S. SUHRAWARDY: May I be permitted to point out that the word "may" here is merely permissive and gives

liberty to the members to ask questions? The word "shall" might mean, according to the manner of interpretation of some of my learned friends, that it is compulsory for a single member to ask questions. The word "may" means that if a question is to be asked, it may be asked for the purpose of eliciting information.

Mr. HUMAYUN KABIR: I would ask the Hon'ble Minister to read the section again.

Mr. NAZIRUDDIN AHMAD: I submit that the word "may" gives right to members to ask questions. This word "may" may not be connected with the purpose of obtaining information only. If the word "may" is substituted by the word "shall", it will be obligatory on every member to ask questions, even though he may not be inclined to do so. It does not extend the scope or the purpose for which questions may be asked. This is the plain and normal meaning of the word "may".

Rai KESHAB CHANDRA BANERJEE Bahadur: If the interpretation of the Hon'ble Mr. Suhrawardy is correct, is there any rule which prescribes any punishment for defaulting members?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I shall take my cue from the Hon'ble Mr. Suhrawardy, and say that section 24 does not serve any useful purpose in deciding as to whether a question is admissible or not. His own arguments demolish the case he wishes to support. As my friend Mr. Humayun Kabir has pointed out, the Hon'ble President should always be guided by sections 26, 27, 28 and 29 in deciding the admissibility of a question and it is clear that there is nothing in that section which prohibits a question which is a request for action. I think, it would be fair and just to admit such a question if it is otherwise in order. In regard to the Hon'ble Sir Nazimuddin's contention that hitherto the practice has been to disallow a question which was a request for action, I would tell him that it has been the contrary. When I was the President of the old Bengal Legislative Council, I used to allow questions which were requests for action. Of course, members on the Treasury benches objected, but I over-ruled their objection. If the Hon'ble President would care to glance through the pages of the proceedings of the old Council, he would find many such examples, and those examples store up a knowledge which might be useful to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. I was referring to the proceedings of this House and not to those of the old Bengal Legislative Council.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir. According to the interpretation of the Maharaja of Santosh that any question may be asked which does not conflict with section 28, a question to the Hon'ble Home Minister as to whether London is the capital of Finland may also be asked. It is not to be governed at all by the fact whether it is within his special knowledge and cognizance, or whether any question may be asked which is not covered by sub-sections (*i*) and (*viii*) of section 28. That would be result of the interpretation of the Maharaja of Santosh.

Mr. PRESIDENT: There are other sections as well.

The Hon'ble Mr. H. S. SUHRAWARDY: I should think so, Sir. Section 28 is not the only section. You have got to read section 24 as well which gives the right of interpellation.

The Hon'ble Mr. SYED NAUSHER ALI: I would like to point out that if the interpretation put on section 28 be correct, and if it is stated that it is quite unconnected with section 24, the result would be that section 24 becomes absolutely redundant and unnecessary. In fact, I submit most respectfully that the interpretation that has been given to the two sections by the Hon'ble Sir Nazimuddin is absolutely correct, inasmuch as section 24 defines the subjects on which questions may be asked and section 28 only lays down the *sine quanon* of every question. If section 24 is complied with, then and then only the application of section 28 will come in. If it offends against section 24, it falls through at once. It does not come in at all. That is my submission to you, Sir.

Mr. PRESIDENT: Section 24 of the Rules and Standing Orders states that questions may be put for the purpose of obtaining information on a matter of public concern and it must be within the special cognizance of the Hon'ble Minister. Several other important matters relating to question are dealt with in section 28 of the Rules and Standing Orders. I would like the Hon'ble Minister to answer why other matters not relating to information, are incorporated in section 28.

The Hon'ble Mr. SYED NAUSHER ALI: Section 24 is for the purpose of obtaining information on a matter of public concern. No question should affect me personally as a private citizen; except at any rate, with regard to the department of which I am in charge that a question may be asked and the question must be one relating to certain facts which the member wants to know from me and it must

also be within the special cognizance of the Minister in charge. These are the conditions that must be fulfilled; otherwise it falls through at once, and there is no application of section 28.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I submit Sir, that section 24 is merely permissive and enjoins that the subject matter of a question must be of public concern within the special cognizance of the member to whom it is addressed. If anybody would be foolish enough as the Hon'ble Mr. Suhrawardy apprehends, to ask the Hon'ble Minister as to whether London was the capital of Finland, the question would be ruled out of order by the Hon'ble President under section 26.

Mr. E. C. Ormond: May I respectfully suggest that the test as to whether the question is a request for action or not, may be to some extent a misleading phrase. I would respectfully submit for your consideration that in the ordinary way, a question which is a request for action, as such, will not be admissible because it will come within the phrase, which I find at page 240 of Erskine May's "Parliamentary Practice" that it will be requiring an expression of the Hon'ble Minister's opinion upon his policy and that apparently, according to the author of this treatise, is not proper, but on the other hand, Sir, it would appear clear that a question may be framed so as to be a question truly asking for information. Then it may be asking for information as to the intention of the Government and if it is such a question, I respectfully submit that it will be permissible. That is not, of course, a request for action; it is a request for information properly speaking, an information as to what is the intention of the Hon'ble Minister. I submit that is permissible in so far it asks for action. Nevertheless it is permissible. I see in the passage of the Book, these words appear—"Within those lines an explanation can be sought regarding the intention of the Government, but not an expression of opinion upon matters of policy".

Mr. PRESIDENT: There is nothing in May directly opposed to a request for action. Is there anything in May to show that in asking a question a request for action is barred?

Mr. E. C. ORMOND: There is that sentence that they will not give an expression of their intended policy. In so far as that expression goes, it would be an answer to that request for action. I would submit that the question must come within section 24 of our Council Rules and Standing Orders as suggested by the Hon'ble Minister, although even a question under section 24 may be asked for an intention of the Government on the particular point.

Dr. RADHA KUMUD MOOKERJI: Considering carefully the wording of section 24 of the Rules and Standing Orders I would like to suggest that the purpose referred to is not an exclusive purpose. It is only a statement of the general scope which may be covered by a question so that I would like to interpret it in this way. A question may be asked for this purpose, but this purpose is not the exclusive purpose. Section 28 rules out all those topics which cannot be the legitimate subject-matter of a question and this is a request so that the President is the sole authority for deciding whether a question is admissible or not, and a request for action may be surreptitiously brought in; under the very sweeping scope given by the general wording —information on a matter of public concern, a Minister may be heckled in such a way as to be driven to divulge his plans under this very "general expression". So my first contention is that the purpose is not the exclusive purpose, but limited to the purpose of obtaining information. It may imply other purposes and there are other purposes against the intention of the authors of the Act and these are ruled out by the very long list of subjects that are mentioned under section 28. Therefore it amounts to this that the President is given the sole prerogative whether a question can be put in the interest of the public good.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: In reply to Mr. Ormond I may say that when a question is asked for an expression of opinion the Hon'ble the President may disallow it under section 28. There is a specific provision to that effect in sub-clause *(iv)* of section 28 of the Rules and Standing Orders which lays down that a question must not be asked for an expression of opinion or for the solution of a hypothetical proposition. I would ask the Hon'ble Mr. Suhrawardy to consider the issue in the light of a hypothetical case which is different from the one cited by him: if in the course of answering a question, the Hon'ble Home Minister says that in a particular place there is an apprehension of a breach of the peace, will it not be in order for a member to put a supplementary question, "will the Hon'ble Minister be pleased to despatch a police force to that place to prevent any breach of the peace?" I would certainly admit that question.

Similarly, I think a member should have the right to ask the Home Minister or for that matter any Minister to do a certain thing in the light of any information which may be in his possession.

The Hon'ble Mr. SYED NAUSHER ALI: I would like to draw your attention to certain things which are already in the rules. In the margin to section 24 you will find the subject-matter of questions. So section 24 defines the subject-matter of questions. Similarly against

section 28 we find form and contents of questions. That also makes it abundantly clear. Now, Sir, an attempt has been made by the Leader of the Opposition to explain it in his own way. I may say in reply to him that he wants to interpret section 24 to the effect that for the purpose of obtaining information you can, in the form of an illustration, put in anything else; you can bring in whatever you like. If that is so, this section will be absolutely redundant and unnecessary. So according to the ordinary rule of interpretation when you have got to take the two together and to consider the two together you have to see that they do not conflict. If I may draw your attention to section 35 of the Rules and Standing Orders, it says that any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given, provided that the President shall disallow any supplementary question, if, in his opinion, it infringes the rules as to the subject-matter of questions.

Mr. PRESIDENT: The primary object of a question is to elicit information but a further question arises as to whether it gives some other supplementary right also. I want the Government to meet the views of Mr. Campion, who has had a long experience of the British Parliamentary practice and who was subsequently a Clerk of the House of Commons and has always been accepted to be one of the best authorities of the rules of procedure of parliamentary institutions. Our rules are often found to have been copied and adapted from the proceedings and precedents of the British House of Commons and so I would hesitate to differ from Campion when it is definitely stated that the purposes of interpellations are primarily for eliciting information and also to press for action.....

The Hon'ble Mr. SYED NAUSHER ALI: But, Sir, press for action is quite a different thing. By putting a supplementary question you can elicit the fact and compel a Minister to take a certain course of action. There is no doubt that when an hon'ble member puts a question he puts that question with a certain object and that object is to bring out certain facts. But the whole object of putting a question by a member is that the Minister may be pressed for certain statement of facts being made public so that by pressure of public opinion the Ministry may be compelled to take a certain course of action. But that does not give the authority to ask questions as to what I am going to do.

The Hon'ble Khwaja Sir NAZIMUDDIN: In reply to what Sir Manmatha Nath Ray Chowdhury has said, I submit that the reason why it is not permissible to us in a question to make a request for action is that it is impossible for a Minister to supply the reasons why they cannot take the action. They are placed in an impossible position sometimes because when you are answering you have to say either yes

or no but you cannot argue the point. Sometimes a reply by a Minister may mislead the House, for instance, in reply to a question whether a police force should be sent immediately to a place if there is an apprehension of a breach of the peace—a request for action—he may say no. He cannot argue in that connection and say if there is a riot, the entire police force availabe will have to be sent there.

Mr. PRESIDENT: But by a question a Minister cannot be compelled to take action nor even to answer it. He can say that it is against the public policy to answer the particular question.

The Hon'ble Khwaja Sir NAZIMUDDIN: You cannot always say that it is against the public policy and it is not fair to ask a Minister to reply to a question which he cannot explain to the House,—it is not a question of public policy but the point is that he cannot always give any reasons.

Mr. PRESIDENT: But in that case you can simply say that for the reasons of the State you cannot disclose it.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I was referring to an example, I say again by way of explanation that I cannot send the police force there because the police is elsewhere engaged. Supposing a member suggests that a particular area should be irrigated and requests the Minister to take up an irrigation scheme in Burdwan, the Minister may have many reasons not to give out the matter and so he cannot give a proper answer to such a question.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, we have always answered questions like this—'does the Minister or do the Government consider it desirable or is it in the contemplation of Government to do such and such a thing'. This is a question which I submit is perfectly in order because here the question that is put is in regard to certain state of things and the statement of facts which ultimately means taking action. It is not a question whether Government are going to do certain things. To take action and to contemplate to do something are quite different matters. On the other hand if a question be like this—will the Government do this, etc.—I submit most respectfully that that would not be in order.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If section 24 precluded everything else except information, I submit that section 28(*iv*) would be redundant. If it had been the intention to preclude a request for action, I submit that side by side with sub-section (*iv*) of section 28 you should have found something like that in the rules.

Mr. RANAJIT PAL CHOUDHURY: Even if it is a request for action, I submit it is not obligatory on the part of Ministers to carry out that action.

Mr. PRESIDENT: The question has now been discussed sufficiently. In view of the fact that the House has already appointed a committee to frame its rules and also of the fact that under the present Constitution the House is the master of making its own rules, I think the subject has lost much of its importance. Soon it will be the duty of the House to decide the matter as they like. The question has been argued fully on behalf of the Government. I should like to draw their attention to one of the remarks of Sir Frederick White made on the 5th September, 1921, when he says that the "right of questioning Government is one of the most valuable rights which parliaments possess. The practice of it varies in different countries and in the evolution of Indian procedure we have not yet reached finality. Nor would it appear, that apart from the form of procedure, the true scope of the parliamentary question is fully understood. A question is a demand for information. It may sometimes be used for a purpose beyond that simple request; but, if it is so used, it must be used with care; for, it is obvious that a point soon arrives where the cross-examination of a Minister becomes debate and thus passes beyond the bounds of order." So I find that even a Parliamentarian of Sir Frederick White's eminence maintains that questions apart from merely eliciting information may be utilised in other ways. I find that Campion also specifically says that in British Parliamentary practice it is allowed. So the object of a question is to obtain information or press for action. I have carefully gone through May's Parliamentary Practice and as a matter of fact I find that all the different items that are included in section 28 as regards questions, have been picked up from the precedents of the British Parliamentary practice. Our rules enjoin that a question must satisfy certain conditions; so I hold that in putting a question the object need not be confined merely to eliciting information but that more latitude should be given for putting pressure for a request for action. However, as I have said before, the House will make its rules very soon on this subject and in the meantime I give my ruling that in asking a question, request for action is not barred.

Health of the Students of Bengal.

66. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the physical health of the students of Bengal is gradually deteriorating?

(*b*) Whether it is a fact want of regular exercise is one of the reasons for this deterioration?

(*c*) If so, is the Hon'ble Minister considering the desirability of—

(*i*) introducing a post of compulsory physical instructor in aided as well as in Government schools; and

(*ii*) bearing three-fourths of the expenditure on this score ?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the MINISTER in charge of EDUCATION DEPARTMENT): (*a*) *and* (*b*) yes.

(*c*) (*i*) Government are considering the desirability of providing a post of qualified physical instructor in every Government high school.

As regards aided schools it is a matter for the managing committee of individual schools to decide the question of the appointment of qualified physical instructors.

(*ii*) Funds permitting, Government will be prepared to give grants towards the cost of the entertainment of qualified physical instructors in aided schools, but it cannot be said at this stage whether the grant will be three-fourths or any fixed part of the expenditure in every case.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answers (*a*) and (*b*), will the Hon'ble Minister be pleased to state what other reasons there are for this deterioration in health?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not aware, Sir, of any other reason.

Mr. PRESIDENT: I think it is always difficult for an Hon'ble Minister who is not the Minister in charge of the particular department to reply to a supplementary question in the absence of the Minister who is actually in charge of the department to which the question relates.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to submit, Sir, that in this case I have answered the hon'ble member's supplementary question. His question was whether want of regular exercise was one of the reasons for the deterioration of the health of the students, and I have answered in the affirmative. There might be other reasons in the mind of the Hon'ble Education Minister—I cannot say. Nothing else is on the file.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether the opinion which the Government have formed regarding this deterioration of health of the students is based on a physical examination of the students by medical experts?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I rise on a point of information, Sir? We noticed yesterday that when important questions were being asked one Hon'ble Minister in charge of the department concerned was absent. In the absence of the Hon'ble Minister in charge, I submit, Sir, it is very difficult for any other Minister to answer supplementary questions. And in this way members of this House are deprived of material information on material points. May I, through you, request, the Hon'ble Minister to put off answering such questions till a subsequent date on which the Hon'ble Minister in charge will be able to be present in the House?

Mr. PRESIDENT: We find that Ministers are generally present, so you cannot complain much about it, up till now.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I protest against the way in which the hon'ble member has brought this matter to your notice, because as a matter of fact I have given answers to the questions that he has put. After all, Sir, we are human beings. We may sometimes be physically incapable of attending this House or the other House. My colleague, the Hon'ble Education Minister, is very ill to-day, and that is why he could not attend to-day's sitting of this House.

Mr. PRESIDENT: But, Rai Bahadur, Ministers do generally attend.

Rai KESHAB CHANDRA BANERJEE Bahadur: My suggestion was simply to put off such questions to a subsequent date.

The Hon'ble Mr. NALINI RANJAN SARKER: That is a matter for you to decide, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Definite replies have been given to the hon'ble member's supplementary questions. If he has not been able to put intelligent questions, the fault does not lie with the Treasury Bench.

Village Chaukidars.

67. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact, that the village *chaukidars* in Bengal are employed to perform similar duty as other policemen in maintaining peace and order in rural areas?

(*b*) What is the policy of Government in excluding these village *chaukidars* from Government payment and other privileges which are enjoyed by the Government menial servants?

(*c*) Is the Hon'ble Minister considering the desirability of utilising the tax which is now imposed upon the people for the maintenance of village *chaukidars* for primary education for the village folk?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The duties of the village *chaukidars* are laid down in section 39 of the Village Chaukidari Act, 1870, and in section 23 of the Bengal Village Self-Government Act, 1919, while those of the police are laid down in sections 23, 25, 31 and 44 of the Police Act, 1861.

(*b*) *Chaukidars* are servants of the village community and Government consider that they should remain as such and that any attempt to make them full-time or even part-time Government servants will be inexpedient, as apart from any other consideration fresh taxation will be necessary to meet the cost of their maintenance amounting to over Rs. 54 lakhs per annum.

(*c*) No such proposal is under consideration.

Mr. RANAJIT PAL CHOUDHURY: Sir, considering that these *chaukidars* are absolutely untrained men, do not Government think it desirable to give them some sort of training so as to enable them to carry on their work better?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I inquire, Sir, what kind of training is meant by the hon'ble member? I cannot understand him.

Mr. RANAJIT PAL CHOUDHURY: More or less on the basis of the training received by the police.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am glad to hear, Sir, the hon'ble member appreciates the training that the police receives. This is a matter which Government are prepared to consider, but I am afraid it would entail an enormous expenditure.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister in charge be pleased to tell us whether it is a fact that after paying this amount of 54 lakhs as the cost of maintenance of the *chaukidars*, there is left barely the sum of 5 lakhs for running the whole administration and working of the union boards?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid, Sir, the hon'ble member is not correct as regards the amount that is left over after defraying the cost of the *chaukidars*.

Mr. HAMIDUL HUQ CHOWDHURY: Shall I be correct, Sir, when I say that the average taxation of each union comes below Rs. 1,500 and that the *chaukidars* and *dafadars* absorb between themselves something in the neighbourhood of Rs. 1,200 to Rs. 1,250 per year?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise out of the original question.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is the Hon'ble Minister aware that two-thirds of the income of a union board is consumed by the village *chaukidars* and *dafadars*?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Khan Bahadur ATAUR RAHMAN: Will Government consider the question of giving some contribution to the union boards to pay the *chaukidars* as they really are doing some police work also?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think, Sir, that it is a practical proposition at the present moment.

Provincial Co-operative Bank.

68. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that the Bengal Provincial Co-operative Bank has decided not to reduce the rate of interest in the cases of those central banks whose current interest and the part of the interest in arrears are not paid off?

(*b*) Is it a fact that neither the central banks nor the village societies are receiving any benefit out of the fund of Rs. 2 lakhs per annum advanced by the Government to the Provincial Bank as a result of the making of such condition by the Provincial Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) No. As a result of Government subvention of Rs. 2 lakhs per annum to the Provincial Bank as many as 53 central banks out of 82 central banks indebted to the Provincial Bank have this year availed themselves of the benefit of reduced rate of interest at 5 per cent. and passed on the benefit to their affiliated societies by reducing their lending rate to these societies.

Electricity Licences.

69. Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) the reasons for the introduction of the system of granting of licences, certificates of competency and permits to electrical workmen under sub-rule (1), rule 40-A of the Indian Electricity Rules, 1922;

(*b*) whether before the introduction of the rules, a satisfactory survey was made about the number of electrical engineers, contractors, supervisors and workmen engaged in the trade in the area where the rules have, by previous notification been made operative, and, if so, will he please lay the result of the survey on the table;

(*c*) if the answer to (*b*) be in the affirmative, who made the survey; and

(*d*) whether due regard was paid to the facts that the immediate introduction of the rules would—

(*i*) be instrumental in throwing a large body of men interested and engaged in the trade into instantaneous unemployment; and

(*ii*) retard the healthy development of small industries in the province?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The system of granting licences, certificates of competency and permits to electrical contractors, supervisors and workmen was introduced with a view to reducing the number of accidents due to faulty and bad electrical installation work carried out by untrained or partially trained *mistrys* and contractors without adequate apparatus and incapable of proper supervision.

(*b*) No such survey was made as it was not considered necessary to do so.

(*c*) Does not arise.

(*d*) (*i*) No. It was envisaged that there would be some adjustment necessary; hence ample notice was given before the rules were brought into force in order to enable competent contractors, supervisors and workmen to take out the necessary licence, certificate of competency or permit. Others not too competent might be suitable if working under

proper supervision and it is expected that they will be absorbed into the firms of contractors who have satisfied the Board as to their ability and obtained licences.

(*ii*) No. On the other hand it is possible that the smaller industries will be benefited owing to efficient electrical installation work.

Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister please state if there was an examination held to find out in order to satisfy Government that those who had got licences are really experts in the line or qualified?

The Hon'ble Mr. H. S. SUHRAWARDY: Does the hon'ble member mean an examination to satisfy Government that those who have got licences, etc., etc.? That is provided for under the rules.

Mr. NARENDRA CHANDRA DATTA: How is it that no examination is necessary?

The Hon'ble Mr. H. S. SUHRAWARDY: To which licence does the hon'ble member refer?

Mr. NARENDRA CHANDRA DATTA: I refer to electrical contractors' licences.

The Hon'ble Mr. H. S. SUHRAWARDY: No, the electrical contractors do not have to appear at any examination for their licence, but they have to satisfy certain requirements.

Silk Industry of Murshidabad.

70. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the silk industry is one of the renowned industries of the districts of Murshidabad and Malda and that many people lived on this industry and that the industry is now dying?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what action the Government is going to take for the revival of the industry; and

(*ii*) whether any scheme for the improvement of the industry is in contemplation?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the foreign and artificial silk is gradually taking the place of Murshidabad silk; and

(*ii*) that unless some check be put on the import of these foreign and artificial silks by duty, propaganda and other means, it will be impossible to revive the industry?

(*d*) If so, has the Department of Industries, Bengal, inquired how they could improve their silk industry and taken advice as to what kind of State help is necessary in our Province?

(*e*) Have the Government given any grant during the last three years to any person or company for the betterment and welfare of the silk industry?

(*f*) If so, has any enquiry been made subsequently, how that money was utilised?

(*g*) Do the Government propose to sanction grant to even small dealers more liberally for the cause of silk industry?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) In addition to the existing organisations for the development of the sericulture industry Government have provided funds for introduction of better methods of silk reeling and its marketing; the improvement of the reeling side of the industry is expected to be brought about by the establishment of an up-to-date Silk Reeling Institute and Silk Reeling Demonstration Parties and the marketing side by the establishment of a Conditioning House for raw silk and silk fabrics. Over and above these, increased production of disease-free seed cocoons and biological researches of silkworms and botanical researches of mulberry plants are in progress, and the positive results of the researches will be brought to the notice of the rearers in due course. Production of cellular seed cocoons is also being encouraged by grant of rewards to village rearers.

(*c*) Yes.

(*d*) Schemes already initiated and proposed to be initiated have been so formulated as to ensure the improvement and development of the silk industry on sound lines.

(*e*) and (*f*) A statement furnishing the information asked for is laid on the table.

(*g*) It is open to *bona fide* dealers to avail themselves of the facilities offered through the Bengal State Aid to Industries Act and the Industrial Credit Syndicate Limited in this direction.

Statement referred to in the reply to (e) and (f) of question No. 70.

Name and address of the firm or individual aided under the Bengal State Aid to Industries Act for the development of silk industry.	Amount of the aid granted.	Purpose of the aid.	Aid advanced on—	How the loan has been utilised.	Results.
1. Messrs. Maniruddin Ahmed & Co., Jangipur, Murshidabad.	Cash credit facilities with the Imperial Bank of India for Rs. 25,000.	For the purpose of developing and improving the existing silk filature and the silk industry generally.	11th December 1935.	The aid is reported to have been fully utilised for the purpose for which it was taken.	The firm is reported to have increased their output by about five times, captured some of the lost market, and opened a silk weaving section and a waste silk branch.
2. Babu Darpa Narayan Pal and others, Proprietors, Bhadrapur Silk Factory, Bhadrapur, Birbhum.	Loan of Rs. 1,325	For the purpose of developing their existing factory.	5th July 1936 ..	The loan is reported to have been utilised for the purpose for which it was taken.	The loanees state that the progress to their industry has been sufficiently helped by the State aid and they are running the business more efficiently than before and hope to achieve good results.
3. Babu Sreepati Sundar Chattoraj, Satui, Murshidabad.	Loan of Rs. 7,000 ..	For the purpose of improving and remodelling his steam silk filature.	29th June 1937 ..	....	The loan was advanced on 29th June last and it is too early to assess the results.

Typists and Copyists.

71. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state whether it is a fact—

(*a*) that the typists and copyists attached to the various public offices are remunerated on the folio system;

(*b*) that they have to copy efficiently, legibly and with reasonable despatch from originals which are often illegible and require much time for deciphering;

(*c*) that they have to spend a great deal of time in going to different Sheristas to bring and return the originals and sit with the comparing clerks for comparing copies, punching court-fees and pressing seal marks;

(*d*) that they have been found efficient and prompt in discharging their responsible duties in spite of these disadvantages;

(*e*) that the duties which they have to perform daily are manifold, arduous and full of responsibility;

(*f*) that the remuneration paid to them on the folio system is uncertain and inadequate;

(*g*) that formerly recruitment to the ministerial staff used to be made from these typists and copyists;

(*h*) that the ministerial staff recruited in this manner was found efficient, dependable and dutiful;

(*i*) that such recruitment has now been stopped;

(*j*) that these typists and copyists are required to attend and leave office punctually and regularly like all other paid officers;

(*k*) that judicial officers, ministerial officers and even peons get pay for vacation period, leave period, and sickness period;

(*l*) that these typists and coypists get no vacation allowance, leave allowance or sickness allowance;

(*m*) that these typists and copyists get no travelling allowance even when they are transferred from one station to another;

(*n*) that process-servers are paid salaries out of the income of process fees derived from parties in suits;

(*o*) that the income derived from the copying department by the sale of folios, court-fees, searching fees, stamps for certified copies, expenditure fees, searching fees, and fees for copying maps, etc., is sufficient for the purpose of organising the typists and copyists into a salaried service;

(*p*) that the necessity of including these typists and copyists in a regular establishment has been felt by the Government themselves; and

(*q*) that no gratuity, pension or allowance is paid to these typists and copyists in cases of disablement, sickness or death?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (*a*) Yes.

(*b*) to (*d*) The functions and duties of the copyists and typists are prescribed by rules of High Court Civil Rules and Orders. The copyists and typists have not to compare copies, punch court-fees or affix seal marks.

(*e*) and (*f*) These are matters of opinion.

(*g*) to (*i*) I have no information; there is nothing to prevent a typist or a copyist who is otherwise qualified from being recruited to the ministerial staff.

(*j*) to (*l*) Yes.

(*m*) Transfers are very rare, but if transferred under the orders of a District Judge a copyist or typist can draw travelling allowance.

(*p*) No.

(*q*) No. A provident fund has been established for them in which the Government contribution is 4 $\frac{11}{16}$ per cent. of the subscribers' emoluments.

Mr. HUMAYUN KABIR: With regard to the joint answer given to questions (*e*) and (*f*), may I request the Hon'ble Minister to state how he can say that this remuneration, paid to them on a folio system, being uncertain or not is a matter of opinion? It must be either certain or uncertain. There cannot be any matter of opinion with regard to that.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: The answer is quite clear, Sir. I have nothing more to add.

Mr. HUMAYUN KABIR: May I inquire how can uncertainty or certainty be a matter of opinion?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: That is an argument, Sir.

Mr. HUMAYUN KABIR: With reference to answer to (*g*) to (*i*), the Hon'ble Minister states that he had no information. Will he be pleased to state why there is no information? Is it the case that there is no information because no inquiry has been made?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Because I am not aware of it.

Mr. HUMAYUN KABIR: My question is: Is the Hon'ble Minister not aware because he has made no inquiries, or is he not aware of the fact whether he made an inquiry or not?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: This might have been the case some years ago, but it is a matter of ancient history now as my friend by my side prompts me to say. At present the things are as I have stated.

Mr. HUMAYUN KABIR: May I request, Sir, the Hon'ble Minister to delve into ancient history and find out the answer?

(No reply.)

Scope of Section 64 of the Government of India Act, 1935.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bengal Ministers' Salaries Bill, 1937, be taken into consideration.

Rai BROJENDRA MOHAN MAITRA Bahadur: On a point of order, Sir. Is the Hon'ble Minister entitled to move for consideration of the bill in as much as he is not a member of the House who is authorised to act on behalf of Government. Under section 82 of the Bengal Legislative Council Rules and Standing Orders it does not appear that any member who has been authorised on behalf of the Government has given notice.

Mr. PRESIDENT: I understand that the notice has been received and the Secretary read it out. It is in the proceedings.

Rai BROJENDRA MOHAN MAITRA Bahadur: Is a Minister a member of the House under section 68 of the Government of India Act, 1935?

Mr. PRESIDENT: May I take it that you have been satisfied so far as notice is concerned.

Rai BROJENDRA MOHAN MAITRA Bahadur: Under section 82 of the Bengal Legislative Council Rules and Standing Orders giving of notice is a condition precedent to the motion for consideration of this House. A Minister cannot move unless there is a valid notice to that effect.

Mr. PRESIDENT: I have already told you that notice has been given.

Dr. RADHA KUMUD MOOKERJI: May I have your permission to submit a point of order on the motion before the House? The point of order that I raise concerns the right of a Minister who is not a member of the House, to move the bills for consideration. Section 64 of the Government of India Act, 1935, gives the right to a non-member Minister "to speak in and otherwise take part in the proceedings". My submission is that a major function like that of moving or introducing a bill cannot be covered by the phrase "take part in the proceedings". Besides, if the order of enumeration of different functions is determined by the order of their precedence (as is done in Sanskrit, under the rules of Panini and I suppose also in English language) and the right given to a non-member Minister "to take part in the proceedings of the House" must be considered to be a very minor right and subsidiary to his chief right "to speak in this House." He is not given the full right of membership of this House. There is a line of division between rights of members and those of non-members who should not be able to initiate the proceedings of this House. Such as a motion for introduction of a bill is a right that is confined only to members. Again, "to take part in the proceedings" is to take part in the midst of the proceedings by way of giving information, or raising points of order, putting questions and the like. In my humble opinion, any rules that may be made to solve the difficulty, I have raised, should not over-ride the statute. In section 84 (1) of the Government of India Act, 1935, I agree that the Governor has been given special power in view of certain emergencies that may arise. But even there he cannot over-ride the clearest provisions of the statute.

My further doubt is whether the provision in section 82 (3) of the Government of India Act, 1935, has been conformed to in the present case: otherwise the motion cannot be considered by the House. To make my position clear, I repeat that my first objection is that under section 64 of the Act a non-member Minister, although he can take part in the proceedings, cannot initiate them. The right "to speak" is a major right which has been conferred upon the Minister and a minor right is "to take part in the proceedings" such as the putting of questions, moving a motion for closure or giving further information. It cannot be construed or misconstrued or magnified as a major right to introduce a bill, a right which belongs to a member only.

Mr. PRESIDENT: So far as the question of initiation is concerned, don't you think that the Hon'ble Minister initiated it when he gave notice the other day?

Dr. RADHA KUMUD MOOKERJI: I do not know in what form he gave the notice but I am questioning his power to give notice. My point is that a member can give a notice but a non-member cannot claim either equal or better rights.

Mr. PRESIDENT: Then your present point is that a non-member should not be allowed to move this motion.

Dr. RADHA KUMUD MOOKERJI: The rights of non-member Ministers are carefully defined and are limited to "speaking" here. To be more precise, first he is entitled to sit, and secondly he is entitled to speak.

Mr. PRESIDENT: Why do you object to his speaking in?

Dr. RADHA KUMUD MOOKERJI: Because this major right of moving a bill should have been mentioned. But the section provides that he has a right "to speak in, and otherwise take part in the proceedings" which are very minor rights and cannot be construed into major rights which only the members have. This anomaly is a serious inroad on the Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: In parliamentary language is there such a thing as a major right and a minor right?

Dr. RADHA KUMUD MOOKERJI: The section enumerates the right of a Minister. He can speak in and otherwise take part in the proceedings.

Mr. PRESIDENT: You mean to say that he has the right of speaking in and otherwise taking part in the proceedings but he cannot move?

Dr. RADHA KUMUD MOOKERJI: Exactly.

The Hon'ble Mr. H. S. SUHRAWARDY: Are we to understand that speaking in a major *key* is not allowed but speaking in a minor *key* is allowed and that anything which is in a major way is not allowed to a Minister?

Mr. PRESIDENT: Yes.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, I submit that section 64 of the Government of India Act, 1935, does not impose any limitation which the hon'ble Leader of the Opposition claims. The

section says that every Minister has a "right to speak in and otherwise take part in the proceedings". The argument of the Leader of the Opposition that the passage "otherwise take part in the proceedings" is subject and subordinate to the "'right to speak," does not hold water. The word "and" gives an additional and not a subordinate right. It is also likely clear that these two conditions are cumulative and must be read together and reading them together it would be found that between them they provide for all kinds of activities in the Council except the qualification that they do not confer any right to vote. The rights conferred by section 64 of the Act have been elaborated in the Rules and Standing Orders. Pending the framing of the rules by this House, the Governor has been given the power to frame rules for the intermediate period. The Governor has made these rules, which are modifications and adaptations from the old rules, and these rules will now govern the discussions to-day. It will be found that section 82 of the Rules and Standing Orders says that there may be a motion by any member. "At any time after copies have been laid on the table, any member acting on behalf of the Government in the case of a Government Bill", may give notice of his intention that the Bill be taken into consideration." The right is given to any member—not to *a* member but to 'any' member. Any 'member' may therefore move the motion. The next question is whether a Minister who is a member of the other House is a "member" within the meaning of the rule. I submit that when this point was raised in this House some time ago there were some omissions and anomalies which were fully discussed by me at the time. The anomalies were thereafter removed by His Excellency the Governor under section 82 (3) of the Act to make the rules more consistent with the Act. The definition of the word "member" has been substantially amended. Before the amendment a "member" meant merely a "member of the Council." But by the amendment a "member" now means a member of the Council "and except in the Rules and Standing Orders hereinafter mentioned, includes a person referred to in section 64 of the Act" and then follow the exceptions which are not relevant for our present purposes. You will be pleased to find that the word "member" occurs in section 82 of the Rules and Standing Orders. This section does not fall within the said exceptions. The exceptions to the definition are rules 3, 4, 5 and 51 and Standing Orders 3, 5 and 60. These exceptions are totally inapplicable to the matter under consideration. There is no question, therefore, that if we can regard this definition as legal and binding, the Minister is a "member" within the meaning of section 82 of the Rules and Standing Orders and has the right to make the motion. The crux of the question, therefore, is whether this further adaptation or modification of the definition by His Excellency the Governor is *ultra vires*. The only condition or limitation laid down by the Act on the Governor's powers is that the Rules and Standing Orders framed or adapted by him

must be "consistent" with the Act. They need not follow as logical corolaries from the Act but must be merely *consistent* with the same. The Act is very wide and sweeping in its term, viz., "Speak in and otherwise take part in the proceedings." The question is whether the Ministers are properly included in the definition of "member" in the Rules and Standing Orders and whether the amended definition contravenes section 64 of the Act. I submit it does not contravene either the letter or the spirit of the section and is clearly "consistent" with the section. I submit for all these reasons that His Excellency the Governor has the jurisdiction and the right to frame the rules pending the same being framed by this House. I therefore submit that the Minister is clearly a "member" within the meaning of the Council Rules and Standing Orders.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: To-day, Sir, I should like you to be on your guard, if I may say so, before you give your ruling to take one fact into your consideration. In this section 64 of the Government of India Act, 1935, some privileges, some rights have been given to the Advocate-General and the Hon'ble Ministers. Now if you hold that the Ministers are able to initiate any particular movement in this House beyond speaking and beyond participating in its proceedings, the same privilege and the same right, I am afraid, shall have to be given to the Advocate-General.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that under section 64 of the Government of India Act, 1935, no rights have been given to the Ministers or the Advocate-General to initiate any motion or any bill. They can speak, they can do all other things but they cannot initiate any motion.

Mr. PRESIDENT: Mr. Pal Choudhury, what is the significance of "take part in the proceedings"?

Mr. RANAJIT PAL CHOUDHURY: My submission is that they can take part in the proceedings that are already existing and have been initiated but it is not clear in this section whether they can initiate any motion.

Mr. PRESIDENT: Supposing, as you say, only members can take part in the proceedings, will you disallow members to initiate a motion?

Mr. RANAJIT PAL CHOUDHURY: We have got other privileges; we are entitled to initiate matters.

Mr. PRESIDENT: Your point is that non-member Ministers can take part in the proceedings when a member has already initiated a motion, but, for instance, how will you interpret if it is stated in a company meeting that only fully paid-up shareholders would take part in the proceedings? Will you debar them from moving any resolution?

Mr. RANAJIT PAL CHOUDHURY: I submit, Sir, that we are in a different status here from the shareholders of a company.

Mr. PRESIDENT: What do you mean by "by taking part"? You say it does not include the power of moving.

Mr. RANAJIT PAL CHOUDHURY: It is only mere discussion.

Mr. PRESIDENT: But that is covered by the words "speak in". What is the significance of adding the words "and otherwise take part in"?

Mr. RANAJIT PAL CHOUDHURY: They can call for division, they can support or oppose any motion but it is not clear that they can initiate any motion.

The Hon'ble Mr. NALINI RANJAN SARKER: The Leader of the Opposition has conceded us the right of speaking but we shall not be able to utter the words "I beg to move this resolution for your consideration". In speaking also we shall be debarred from uttering certain words—there will be a ban on uttering certain words. In his point of order he is challenging your ruling which you gave day before yesterday that proceedings mean when a meeting assembles and we begin to function, that is the proceedings—and in every stage we can take part in that, and you have allowed this for the last one month. I have introduced the budget, I have given notice of this Bill, I have moved motion regarding the Rules Making Committee, we have replied to questions.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out for the delectation of the Maharaja of Santosh. Apparently the reason why he referred to the Advocate-General being on the same footing as the Ministers was that he considers it beyond the bounds of possibility that the Advocate-General may be called upon to initiate legislation whereas it is within the bounds of possibility that the Ministers are allowed to initiate legislation. That can only be the reason why he is trying to show that it is rather a preposterous thing that the Advocate-General should be on the same footing as the Ministers. The position

is this that if the Advocate-General is called upon by the Ministers to initiate legislation and the Advocate-General is good enough to accept the task of initiating the legislation there is nothing in the Act which can prevent him from doing so.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: The question is not that if the Ministry call him but it is whether he has the right under the Statute to come and initiate. That was the point in the mind of the Leader of the Opposition.

The Hon'ble Mr. H. S. SUHRAWARDY: Of course the position of the Advocate-General is different. The rules are more or less circumscribed by other portions of the Act. He can only do those other things which he is called upon to do under the Act and no more.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I object to the line of demarcation being drawn.

Mr. KADER BAKSH: Sir, this question was discussed threadbare by eminent lawyers, the hon'ble members of this House sometime ago and I said on that occasion that section 64 of the Government of India Act, 1935, is an enabling section and an enabling section cannot be exhaustive.

Mr. PRESIDENT: What do you mean by enabling section?

Mr. KADER BAKSH: I say enabling section because the Ministers is not permitted to vote but he is given all other powers just like any other member. It is covered by the words "speak in and otherwise take part in." It is not defined what are the powers to be given because it is not possible to define what powers they are to be given but only the restriction which has been given is that they are not to vote.

Mr. PRESIDENT: Mr. Kader Baksh, I would like to ask the question why it has not been stated that the Ministers would be ex-officio members of both the Houses without the right of vote in the Upper House.

Mr. KADER BAKSH: It practically says so that they have been given all the rights but it is not possible to define them save and except putting in a section like this which may be called an enabling section, restricting only that they are not entitled to vote. No other disabilities have been put upon them. Again the rules which have been made

only recently by His Excellency have to be taken into consideration and we have to decide whether those rules conform to the section under the Act or they would be *ultra vires*.

My hon'ble friend Mr. Hamidul Huq Chowdhury in reference to section 82 has said the word "members" is to be applied also to the Ministers. They are also members for the purpose of this section. They may not be members with regard to some other section. So far as this section is concerned only the rights have been restricted but with regard to others they are as good members as any other members of this House. That is my point.

Mr. PRESIDENT: I think Mr. Kader Baksh and the Maharaja of Santosh have made the point that under the adaptations in the Rules and Standing Orders of the 13th August 1937, the Ministers have been given the status of members with certain restriction. Dr. Mookerji, have you anything to say on that point.

Dr. RADHA KUMUD MOOKERJI: On this point I have already stated that rules have certain limits within which they are permitted and if a rule goes against the Statute I think that kind of rule cannot have any application. My point is that a Statute must be fairly and properly interpreted without much play of imagination in order to be able to solve the practical difficulties created by Ministers on some wrong decision they have taken.

Mr. PRESIDENT: Then your argument is that the rules promulgated on the 13th August by His Excellency the Governor would have no effect as they are *ultra vires* of the provisions of the Government of India Act, 1935.

Dr. RADHA KUMUD MOOKERJI: Perhaps I cannot say that because I am precluded from discussing the Governor.

Mr. PRESIDENT: I only like to know whether it is your contention that the rules framed on the 13th August are *ultra vires*.

Dr. RADHA KUMUD MOOKERJI: I consider that the rules should have no effect because they override section 64 of the Government of India Act, 1935.

Mr. PRESIDENT: Now, I should like to hear what any other member has got to say on this particular issue. The Leader of the Opposition contends that the rules promulgated on the 13th August, 1937, are null and void as they go against section 64 of the Government of India, Act, 1935.

Khan Bahadur M. ABDUL KARIM: Sir, I also quite exhausted myself on the last occasion on the distinction between initiation of proceedings and taking part in the proceedings. I do not like to go over the same ground again, but to-day the question now before us is, according to the statement made by my hon'ble friend Mr. Naziruddin Ahmad, that the Governor's rules made on the 13th August made the Hon'ble Ministers members of this House—whether ex-officio or not that is quite another matter. But my principal objection is on the arithmetical ground. This House cannot consist of more than sixty-five members, the maximum number of member of this House is according to the Statute sixty-five. We are sixty-three already here by election and by nomination. No rule of the Governor can let in eleven or twelve more members including the Advocate-General, and to that extent the Governor's rule is *ultra vires* because it contravenes the provisions of the Government of India Act, 1935. This is another point that I wish to state here whether there is room. There would be eleven more seats or rather nine more seats to be provided for the Ministers in this House.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that we ever contended that we are members of this House, but we have all the rights of members except the right to vote and therefore the arguments of my learned friend who just spoke, do not stand. We do not claim to be members and we refuse to be members of this House.

Khan Bahadur M. SHAMSUZZOHA: Sir, in seeing whether the rule made by His Excellency the Governor has contravened section 64 of the Government of India Act, 1935, we are to interpret section 64, and in order to do that we should not be guided by a tendency to curtail the rights of Ministers who have been given the right to come in, if not as Ministers, as members by virtue of section 64 of the Act.

Mr. PRESIDENT: The President is not bound to hear anybody on a point of order. It was only to help me that I invited hon'ble members to express their views on the particular issue. I desire you to speak on that definite issue.

Khan Bahadur M. SHAMSUZZOHA: Sir, I am just coming to the point. All that section 64 says is that every Minister who is not a member of the other House shall be able to come in and speak in and otherwise take part. In the same section I would invite your attention to the words "but shall not by virtue of the section be entitled to vote....." I lay emphasis on the words "by virture of the section." By these words it gives a direct indication that they shall not be entitled to vote. If these words were not used, what would have been the effect? The effect would have been that it would have been easily

maintained that the Ministers were entitled to take part in the proceedings and also entitled to vote. But the curtailment is made by the words "by virtue of the section." The implication is but for the words they are also entitled to vote. The curtailment is only with regard to voting; so they can take part in the proceedings as speakers. It can easily be seen that a member may speak, otherwise take part and also vote. The only limitation is placed in regard to taking part in voting. I would therefore draw your attention to the words "by virture of the section".

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I would like to ask you whether you desire to hear what the Advocate-General of Bengal, has to say with regard to this point. He is here and we may call him in.

Khan Bahadur ATAUR RAHMAN: Sir, it is past 4-30 p.m. and it is the time to adjourn for prayers. As the Government have been generous enough to let us have the House perhaps we can continue our deliberations till midnight.

Mr. PRESIDENT: I should be very glad to hear what the Advocate-General has to say after the prayer adjournment.

The Council now stands adjourned for 15 minutes for prayers.

After Adjournment.

Rai BROJENDRA MOHAN MAITRA Bahadur: Sir, I beg to submit that the orders passed by His Excellency the Governor on the 13th of August, 1937, are *ultra vires.*

Mr. PRESIDENT: Rai Bahadur, what is your point?

Rai BROJENDRA MOHAN MAITRA Bahadur: Sir, my point is by the further adaptation the rules of the 13th August have become *ultra vires*, as His Excellency's powers were already exhausted.

Mr. PRESIDENT: Is it your contention that the power of His Excellency the Governor was exhausted when he made the modifications and adaptations of the Rules and Standing Orders, under section 84(3) on the 1st April, 1937? Your point is that once such modifications and adaptations are made, the Governor had no right to promulgate further adaptations.

Rai BROJENDRA MOHAN MAITRA Bahadur: In support of my contention, Sir, I rely on section 293 of the Government of India Act, 1935, under which he is given the power to make rules on the existing

laws at any time. If you kindly turn to this section you will see that it is laid down: "His Majesty may by Order in Council to be made at any time after the passing of this Act provide that, as from such date as may be specified in the Order, any law in force in British India or in any part of the British India shall....."

By this section His Majesty has the power to make laws at any time. Further under section 309 (2) of the Act His Majesty has been given power to revoke or vary any Order previously made. This sub-section runs as follows: "Subject to any express provision of this Act, His Majesty in Council may by a subsequent Order, made in accordance with the provisions of the preceding sub-section, revoke or vary any Order previously made by him in Council under this Act." Here the two sections of the Government of India Act provide that His Majesty in Council has the power to make any rules and revoke and vary any Order previously made according to section 309 (2).

Mr. PRESIDENT: Do I understand you to say that His Majesty in Council alone can revoke and vary the Rules?

Rai BROJENDRA MOHAN MAITRA Bahadur: In this Act the Governor has not been given any power to vary or revoke any order. He can make Rules under section 84 (3) and no other section of the Act has given the power to His Excellency to vary or revoke any power which he has already exhausted. That is my contention, Sir.

The ADVOCATE-GENERAL (Mr. S. M. Bose): Sir, the question before the House is——

Mr. RANAJIT PAL CHOUDHURY: Sir, I rise on a point of order. Has the Advocate-General taken the necessary oath of allegiance?

Mr. PRESIDENT: Only the members are required to take the oath.

Mr. RANAJIT PAL CHOUDHURY: My submission is that everyone who wants to speak here should first take the oath of allegiance.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, under section 64 of the Government of India Act, 1935, there is a provision for the Ministers and the Advocate-General to appear and speak in this Council. But I do not know whether there is any provision for allowing the Acting Advocate-General. In all other matters, when there is an appointment of the Governor or the Governor-General, there is always a provision made for the Acting Governor or the Acting Governor-General. In this connection, Sir, I beg to refer to section 304 of the Government of

India Act, 1935, which says: "Any person appointed by His Majesty to act as Governor-General or as the Governor of a Province during the absence of the Governor-General or the Governor from India, or during any period during which the Governor-General or the Governor is for any reason unable to perform the duties of his office, shall during, and in respect of, the period while he is so acting have all the powers and immunities, and be subject to all the duties of, the Governor-General or Governor, as the case may be, and, if he holds any other office, shall not act therein or be entitled to the salary and allowances appertaining thereto while he is acting as Governor-General or Governor."

Mr. PRESIDENT: Mr. Chakraverti, may I refer you to section 32 of the Interpretation Act of 1889 wherein it is laid down that an Act passed after the commencement of this Act imposes a duty on the holder of an office as such and unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office. Is it not therefore correct that the Acting Advocate-General is, for the time being holding the office of the Advocate-General and as such may exercise all his powers?

Mr. SHRISH CHANDRA CHAKRAVERTI: I may mention, Sir, that the appointment of the Advocate-General has not yet been gazetted.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it has been gazetted.

Dr. RADHA KUMUD MOOKERJI: I want to raise another point of order as to whether a person can speak in a House of the Legislature without the oath of allegiance.

Mr. PRESIDENT: May I refer Dr. Mookerji to sub-section (1) of section 32 of the Interpretation Act of 1889 where an Act whether passed before or after the commencement of this Act confers power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Rai BROJENDRA MOHAN MAITRA Bahadur: I submit that in the case of His Majesty's Government power is given to amend or revoke an Act but even in this Act the Governor has not been given any specific power.

Mr. E. C. ORMOND: Before you call on the Advocate-General to speak may I mention in the House one point? This is a point which has not been raised so far. It is not on the question whether the

rules made by His Excellency the Governor are ultra vires. It is on the question whether an Hon'ble Minister can move a motion in this House and whether in moving a motion in this House he comes within the terms of speaking in or otherwise taking part in the proceedings of this House.

It has been pointed out that the Hon'ble Ministers stand on exactly the same footing as the Advocate-General. I would add this to the observation that has been made that there is a specific provision under section 57 (2) of the Government of India Act, 1935, which relates to another class of person who, it is true, is only temporary but at the same time is fully given, for the time being, the same powers as the Advocate-General and the same powers as the Hon'ble Ministers. I am referring to the special case where it appears that the peace and tranquility of the province is in danger, and as the section goes on in detail, in those conditions it is provided that while any such direction is in force, the Governor may authorise an official "to speak in and otherwise take part in the proceedings of the Legislature, and any official so authorised may speak and take part accordingly in the proceedings of the Chamber or Chambers of the Legislature, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member by the Governor, but shall not be entitled to vote." The House will see, Sir, that in that respect, in such circumstances and in such conditions, for the time being, exactly the identical powers are given to an official who has been nominated under those conditions as have been given to the Hon'ble Ministers and to the Advocate-General. I submit for consideration that it cannot be the intention in framing the Government of India Act, 1935, that such a person should be entitled to give notice to the House before the proceedings of the House commence of a Motion or, in the same way, of a bill, which he intends to move or introduce in the House just like any other hon'ble member of the House. Surely the power temporarily to nominate such an official is not meant to carry the power of instituting legislation or motions through that official. Assuming, if I may have the temerity to put forward my view, that the proceedings of this House commence at a moment when you, Sir, come into the House and the mace is placed on the table and continue until you leave the House and the mace is removed; everything that happens during that period is, in my submission, the proceedings and the Hon'ble Ministers can speak, call for divisions, move motions and do everything which anybody on the floor of the House can do. Therefore, the point which arises is that the original point of order which was raised to-day by Dr. Mookerji is not really a point of order, because his point was that an Hon'ble Minister could not speak as moving a motion, but, Sir, the Hon'ble Minister in moving the motion is necessarily speaking during the proceedings. If there has been a

question of any error of procedure, it is a question whether the Hon'ble Ministers should be entitled to send in notices of motions to the Secretary prior to the session and prior to the debate, that is to say before you, Sir, take your Chair and before the mace is placed on the table. That may be outside the proceedings of the House. But that is another point which does not arise to-day; and is not within the point of order raised by Dr. Mookerji. Therefore, I submit that with regard to Dr. Mookerji's point of order you need not take any more time, because there is no point of order. I am going back to the other point which I have made and I would mention it to the Advocate-General so that he may consider his position in relation to the equality of the position which exists between himself and the Hon'ble Ministers, and between a particular official who may be nominated in particular circumstances under section 57 (2) of the Act. If the other class of officials are entitled to give notice of bills then the Advocate-General as well as Hon'ble Ministers are also all entitled to give notice of bills. If one of those three classes of persons is not entitled to give notices of bills, then none of them are. I cannot but emphasise however that Dr. Mookerji's point of order does not go as far as that and I respectfully submit that there is no point of order now before the House since it is perfectly clear that each of these classes of persons, both the Hon'ble Ministers and the Advocate-General and the particular official nominated under section 57 (2) of the Government of India Act, 1935, has power to do everything in the way of calling for divisions, moving motions, etc., during the proceedings.

Dr. RADHA KUMUD MOOKERJI: I did refer to the point of order which has just been mentioned but you stated that I must bring up the points one by one. Your ruling prevented me from raising the point of order to which mention has been made. In view of that may I have your permission to raise it now?

Mr. PRESIDENT: Yes.

Dr. RADHA KUMUD MOOKERJI: My first point is this that I want to interpret the wording of section 64 in this way. This section confers definite rights on non-member Ministers and these rights are enumerated in the order of their precedence. What comes first must have the prior right. Now the words "to speak in" cannot conceivably be construed or misconstrued to mean the right to move a resolution. The definition of the word "motion" is also given in Rules and Standing Orders. "Motion" means a proposal made by a member for the consideration of the Council. So I say that merely for the Ministers to come in and take his seat and then speak in the House cannot confer on him this very primary right which members alone enjoy.

Mr. PRESIDENT: But they have the further right to take part in the proceedings.

Dr. RADHA KUMUD MOOKERJI: Then I come to the other point, namely, "otherwise take part in the proceedings". The Oxford Dictionary might be referred to by some of the members with great convenience as to what "otherwise" means. "Otherwise" means in any other way than by speaking. By speaking the Ministers can exhaust the possibility of their speaking powers and if their oratory fails them, they can "to speak in, otherwise take part in the proceedings of the House" by the method of bullying or refusing to give answers, calling for closures, and by resent to those obstructive or dilatory tactics of which we have got ample evidence here. I take my stand on the authority of the English language and make bold to say that when speaking powers have been exhausted you must then think how the persons concerned can otherwise "take part in the proceedings". Their first right is to come in and speak if they like and then they can "otherwise take part in the proceedings".

Mr. PRESIDENT: I take it that you admit that the words "otherwise take part in the proceedings" include also the right of moving a bill.

Dr. RADHA KUMUD MOOKERJI: No, it does not. If that was the intention, it should have been specifically mentioned because it is very important. I submit "otherwise" means in other ways than by speaking. If the resources of oratory fail them, they may take recourse to other ways by moving for closure, raising points of order, etc. The third point that I want to make is that "taking part in the proceedings" cannot be misconstrued to mean initiating the proceedings. I defy any one to prove that the expression "otherwise take part in the proceedings" can mean taking an initiative in the proceedings and moving a bill.

I do not know whether I should make any other point of order. As I have already stated even though sweeping powers have been given under section 84 (*1*) (*b*) of the Act, I do not like to conceal my armoury. I ask the Advocate-General to consider that, because I am trying honestly to solve a constitutional deadlock which is due to an original sin perpetrated by some authority. I do not think the constitution should be twisted and adjusted to suit that sin. I should like still to maintain my point that we should not stretch the rules so as to override the statutes. I should also like to know whether section 82 (*3*) of the Act has been conformed to in the present case. I should also like to see and examine here on the spot the recommendation of the Governor to this Legislative Council that the bill may be considered

by us before it can be passed. I want documentary evidence that the Governor himself recommends to this House separately that the bill should be considered by us. Then as regards notice, I should like to take my stand on section 38 of the Bengal Legislative Council Rules and Standing Orders. This concerns the question of notice to be given for a motion. The proceedings in which non-member Ministers can take part should be confined to the sittings of this House which cannot take cognisance of what may be done outside the House—any transactions which do not belong to this House. I do not know what kind of notice should be given by non-member Ministers. This is all that I have got to say.

Mr. S. M. BOSE: Sir, the question for the consideration of this House is whether Ministers and the Advocate-General can take part in the proceedings of this Council. The connotation of the words in section 64 of the Government of India Act, 1935, in my submission, makes it quite clear that Ministers have got the right not only to speak in but also otherwise to take part in the proceedings, and that is a part of speaking. He can take part in the proceedings. But what other part can he take in the proceedings besides speaking? Obviously, he can move resolutions and he can obviously move amendments. If that is conceded, cannot he give notice of resolutions? The answer to this question would depend on what meaning you give to the words "Proceedings of the Legislative Assembly" and so on. And, in my submission, the answer should be found in the Act itself, for we must not confine our attention only to section 64 of the Act, as we have got to utilize the words of other sections to explain the meaning of the words in section 64. Now, Sir, reference has been made to section 87 of the Government of India Act, 1935. A Minister has given notice of a motion which has been accepted by the Hon'ble the President. He moves the motion in the House, and the question is when did the proceedings begin in the House? Did it begin in the House when he actually moved the motion or when he gave the notice? Now, Sir, look at section 87. The validity of any proceedings in a provincial legislature shall not be called into question on the ground of any alleged irregularity of procedure. Notice of motion has been given, there has been discussion, and it has been passed or rejected. If the notice of the motion is not part of the proceedings, then somebody could go to the High Court and get a writ of *certiorari* regarding the motion, to ensure its validity. This House will be stultifying itself if it be held that proceedings do not commence with the notice of motion but at some subsequent stage. If you state that proceedings do commence at a subsequent stage, then all prior proceedings can be investigated by the High Court. Its legality can form the subject matter of an application by way of a writ of *mandamus* or a writ of *certiorari*. That is a question for the Government to consider, and it

is quite obvious that it is not the intention of the Act. Again, look at section 86, sub-section (2) of the Act. If the Governor in his discretion certifies that the discussion of a bill introduced or proposed to be introduced—I stress the words "proposed to be introduced"—in the provincial legislature, or of any specified clause of a bill, or of any amendment moved or proposed to a bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of the province or any part thereof, he may, in his discretion, direct that no proceedings, or no further proceedings, shall be taken in relation to the bill, clause or amendment, and so on. Now, Sir, supposing His Excellency directs that no proceedings are to be taken in respect of a bill to be introduced, what meaning is to be given to the word "proceedings"? Obviously, the bill has not been introduced in this House, but only notice of it has been given. His Excellency in the exercise of his power under section 86 (2) of the Act says that no proceedings are to be taken or nothing further can be done. The stage has come when he can exercise his power under section 86 (2) of the Act before the bill is introduced. That in my submission gives the clue to the words as used in section 86 (2) as also in section 64 of the Act. Obviously, the notice is a notice of motion.

Then, Sir, there is another section which may throw some light not exactly on this point, but on section 64. It has been said that the words "otherwise taking part in the proceedings" do not mean moving resolutions or things of that kind. If you look at section 66, sub-section (2), where another contingency was contemplated, namely:—

"A Chamber of a Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in a Provincial Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings."

How are you going to interpret the words "otherwise take part in the proceedings"?

Dr. RADHA KUMUD MOOKERJI: But not initiation.

Mr. S. M. BOSE: I hear an interruption, Sir, and it is said "not initiation". I submit, Sir, that because the words "otherwise take part in the proceedings" come last, it is not that they cannot mean "initiation." That, Sir, is not the proper method of construing this section. We must consider the whole Act while interpreting. "Take part in the proceedings" is a phrase which has been used in several sections, and in one section, viz., section 64, it is said "speak in and otherwise take part". In this section the words are "sat or voted or otherwise took part in the proceedings". Here, obviously, the words "take part in the proceedings" include speaking, although the word "speaking" has not been expressly used here.

Mr. PRESIDENT: Will the Advocate-General please explain why, if, as he says, taking part includes speaking, the words "speak in" are used in section 64 along with the words "otherwise take part in"?

Mr. S. M. BOSE: For this reason, Sir—that nobody but a member is entitled to speak in the Council or the Assembly. First of all, the right of speech is given to him, and then it says not only will he have the right to speak but he will also have the right to take part in the proceedings.

Mr. PRESIDENT: I want to know, if the words "take part in the proceedings" include speaking, then what was the necessity of putting the words "speak in" as well as "otherwise to take part in" in section 64?

Mr. S. M. BOSE: To make it clear only. First of all, not being a 'member', the right of speaking was expressly given to him.

Mr. PRESIDENT: Then you contend that even if the words "speak in" are omitted, there would be no harm?

Mr. S. M. BOSE: But it is made expressly clear that, although he is not a "member" he has the right to speak in the Council,—

Dr. RADHA KUMUD MOOKERJI: What about the word "otherwise"?

Mr. S. M. BOSE: The word "otherwise" is merely an addition, and if English has any meaning, it means in ways other than speaking. And it is difficult to imagine what else a member can do except speaking or giving notice.

Now, therefore, my submission is that section 64, section 66(2), and the two other sections, 84 and 87, read together, make the meaning quite plain that the Ministers have got the right to initiate proceedings.

Mr. PRESIDENT: The Ministers as well as the Advocate-General stand on the same footing, and also any paid official under certain circumstances, under section 57(2) of the Act, as Mr. Ormond has asserted. The Governor may authorise an official to speak and otherwise take part in the proceedings. Do you contend that they are all on the same footing?

Mr. S. M. BOSE: Well, where there is an emergency, it may be necessary for an official to speak.

Mr. PRESIDENT: You say that only under special circumstances an official can speak in or otherwise take part in the proceedings, but that, so far as the Advocate-General and the Ministers are concerned, they are absolutely on the same footing. They are not governed by "circumstances".

Mr. S. M. BOSE: Yes, Sir. They can take part in the proceedings and do everything except that they have not got the right to vote.

Dr. RADHA KUMUD MOOKERJI: But, Sir, section 57(2) of the Government of India Act, 1935, cannot come in, because it contemplates the suspension of the legislature and assumption of personal administration by the Governor under an emergency.

Mr. S. M. BOSE: Then, Sir, as regards the rule-making powers, certain references have been made to the rules. My submission is that the power or the right to make rules——

Mr. PRESIDENT: While you are on this point, I would refer you to one fact which has been stressed by the leader of the Proja Party, viz., that "speak in or otherwise take part in the proceedings" will not include initiation. He makes, however, a difference between "speaking" and "taking part in proceedings." By "proceedings" he means that once a motion is moved, then only the Ministers, etc., can take part. That was the contention of Khan Bahadur M. Abdul Karim.

Mr. S. M. BOSE: It is difficult to see the difference, Sir, as I pointed out, in section 87 of the Government of India Act, 1935, something must have begun, and how can proceedings begin unless they give notice of motions? If this contention is correct that you can take part in something which has begun, obviously you are taking part in the proceedings which have begun.

Mr. PRESIDENT: Some hon'ble members have argued on this line that the proceedings are divided into three parts—initiation, discussion, and decision. As regards decision, there is no difficulty, because the statute specifically debars non-member Ministers from exercising this power. As regards discussion, "speak in and otherwise take part" gives them that right. As regards initiation, it is the contention of some of the hon'ble members that non-member Ministers have not got that right. I have appreciated your argument up to this stage, but I would specially draw your attention to this point that has been specially stressed.

Mr. S. M. BOSE: Now, Sir, that distinction must be based on some ground or other. It is said that "proceedings" mean three things, but I do not know what warrant there is for saying so. If it has got three meanings, then you have got to draw a sharp line of distinction. Because we all want to know, if a technical interpretation is to be given, the point of time at which a mere notice of motion has become proceedings of this House, I mean at what precise moment it becomes the proceedings of the House. Is it when somebody moves it? Then again, I believe, you are wasting your time because the question becomes quite academic.

Mr. PRESIDENT: Since you are here, I would like to discuss the whole point with you, because it is a matter of great importance.

Mr. S. M. BOSE: I should be very glad to be of assistance to you and to the House, Sir.

I hope, Sir, I am not repeating myself when I say that sections 86 and 87 give us the clue to the real meaning of the word "proceedings". Proceedings begin at a certain point of time assuming that they are sound; otherwise they are not sound so far as the Act is concerned, because under section 86(2) of the Government of India Act, 1935, as I have already said, His Excellency the Governor can stop proceedings, and a question—a very serious question for the House—would be whether proceedings are not initiated until a motion is moved and until the whole matter comes on revision to the High Court or under proper authority; that, I venture to submit, is not the intention of the Act, at any rate.

Now, Sir, as regards the rule-making powers, it seems to me that if power has been given by this Act, rules made under this Act cannot take away the power. If I am right in the submissions I have made so far, that Ministers have got the right under section 64 of the Government of India Act, 1935, of addressing the House and of initiating proceedings, then it becomes quite unnecessary to refer to rules to see whether they have got the power under the rules or not.

Mr. PRESIDENT: While you are on this point, I would like to draw your attention to a short point in a Notification of the 13th August, 1937, of His Excellency the Governor about some adaptations in the Rules and Standing Orders whereby he excludes Ministers from exercising certain rights enjoyed by members under eight different heads, i.e., a member means a member of the Council and includes a person referred to in section 64 of the Government of India Act, 1935, but who are not to exercise their right at the time of election of the President, Deputy President in moving vote of non-confidence in Ministers and Presidents and on four other occasions. Here, they are

specifically excluded from exercising certain rights of members. I think I shall be correct in logically concluding from your argument that these eight exceptions provided in the Notification of adaptations are *ultra vires*.

Mr. S. M. BOSE: But the definition has the effect of simply including the persons referred to in section 64. It perforce excludes those who are not included in section 64. A member means a member of the Council and also includes the persons referred to in section 64 of the Act.

Mr. PRESIDENT: I understand you to say that a non-member Minister has all the powers of a member excepting the power of voting. If that is so, he is unconstitutionally excluded from certain other rights by the said Notification of the Governor. Your argument is that such exclusion will be also *ultra vires*.

Mr. S. M. BOSE: I confess that I have not had the time to consider the rules. I take it that you are referring to rules 2, 3, 4, 5, 49 and 51.

Mr. PRESIDENT: As interpreted by you, a non-member Minister has all the rights of membership excepting the right of voting. But he has been denied certain rights by the recent Notification of the Governor which are enjoyed by the members. Your contention is that as an ex-officio member of this Legislature he is only excluded from the right of voting. If that is a statutory right, Governor by making rules, cannot deprive him of any other right than the right of voting.

Mr. S. M. BOSE: Except to regulate the matter of procedure. That point I have not had time to consider. I was not aware that this point was going to be raised.

Mr. PRESIDENT: I find similar sections in the Dominion Legislatures, for example in the South Africa Act section 79 says, "the Administrator (of the same status as our Governor) or any other member of the Executive Committee (like our Minister) of the province, not being members of the Provincial Council, shall have the right to take part in the proceedings of the Council, but shall not have the right to vote." That is my difficulty. They have omitted the words "speak in."

I like to hear what you have to say on the legal principle about the words "speak in" being interpreted as the generis and "taking part in the proceedings" being of the same kind or of the same genus. If it really means nothing more than the mere right to take part in the proceedings then it would have been clear but the words "and otherwise take part in the proceedings" seem to imply some kind of action but it must be of the same kind as "speak in".

Mr. S. M. BOSE: The question of *eusdem generis* did not strike me. You cannot apply the doctrine of *generis*. Until you find out what the genus is, you have not got the genus at all. The only thing you have is "speak in" but that conveys the genus. If you take that part, to which are you going to apply the doctrine of *generis*? You must find the genus. The genus can be "speak in" or something of that kind. Then of course you have got the genus. "Speak in and otherwise" have got an extending effect.

Dr. RADHA KUMUD MOOKERJI: Not extending but excluding.

Mr. S. M. BOSE: I should think extending. You have got to take the two together extending the scope of the powers and privileges of the Legislature. I doubt if the doctrine of *eusdem generis* can be applied to a case of this kind, "otherwise take part in" because I cannot conceive of any other "speak in". What else can a member do except move a resolution, raise a point of order or such other thing. All these form a part of "speak in". The words "speak in" would have been sufficient to cover everything. If you interpret "speak in" as making a speech, you unduly restrict the scope of the section.

Mr. PRESIDENT: The language of the old section was to attend and address. I find in other Legislatures "speak in and address" but here the words are "speak in and otherwise take part in the proceedings."

Mr. S. M. BOSE: That, if I may say so, is a distinct improvement. It is an improvement in words so that there may not be any argument on "speak in and otherwise take part in the proceedings."

Mr. PRESIDENT: As regards the principle that has been referred to by Mr. Ormond, do you agree that the Advocate-general also should be considered as a member of this House, and he be conceded all the rights of a member, except the right of voting, just like any other member? In special circumstances under section 57 (2) of Government of India Act, 1935 any officials authorised by the Governor might claim the same rights like the members.

Mr. S. M. BOSE: Yes. I will give one illustration. Supposing there is a bill regarding the duties of the Official Receiver of the High Court or of the Sheriff of Calcutta or something like that, it will be in the nature of things that the Advocate-General is the best person to pilot the bill through. That may be within the contemplation of the legislature. Therefore it is not an unreasonable provision by itself.

Mr. PRESIDENT: The only point is that he being an official of the State, will enjoy rights like elected members and will also initiate proceedings. Take for instance an improbable but not an impossible case of an official authorised by the Governor introducing a bill which may not have the sanction of the Cabinet of the day. When you extend certain rights to non-members and sometimes even to paid officials, giving them almost the full status of members, excepting of course the rights of vote, there is thus left very little difference between members and Ministers. You know that in England the number of Ministers is about thirty-nine and the number of the Cabinet rank Ministers is about ninteen or twenty. And under the present Constitution there is no limit as to the number of Ministers. So in a House of sixty-three a large body of non-member Ministers armed with almost identical powers of elected members may influence the independent decision of the House and the rights of members will be much affected and curtailed.

Mr. S. M. BOSE: The section does not curtail the rights of the members of the House at all.

Mr. PRESIDENT: The same rights are extended to non-members, except the right of voting. Therefore the rights of the members are affected and curtailed and it would be difficult for them to guide and control the policy of the House.

Dr. RADHA KUMUD MOOKERJI: Curtailed by bad company.

Khan Bahadur M. ABDUL KARIM: May I ask a question to the Advocate-General? Will he please explain whether there is any difference between "speaking on a motion" and "speaking to a motion"?

Mr. S. M. BOSE: To my mind I do not see any difference. "Speaking on a motion" means when a motion is there, you speak on it, and speaking to a motion means the same things. I do not see any difference.

Mr. HAMIDUL HUQ CHOWDHURY: Without entering into the question as regards the power of the Ministers to take part in a proceedings which is already within the four walls of this House, I may say that section 64, section 66(*2*) and section 87 of the Act contemplate quite different things. Section 64 speaks of Legislative Assembly and Legislative Council and also of their sittings. Therefore it shows that the Ministers can join in the proceedings in a sitting of the House. It specifically mentions, "the Legislative Assembly of the province or in the case of a province having a Legislative Council

both chambers and any joint sitting of the chambers". Therefore the whole section is limited to sitting itself. Section 66(2) and section 87 relate to proceedings of the Legislature. The proceedings of a Legislature may begin outside the House, e.g., from the date of the introduction of a Bill till it becomes law. The above sections speaks of acts which have already been done and in which there might be some defect of procedure of the Legislature at different stages, either in the House or outside it. So long as it is within the competence of the Legislatures it cannot be questioned once it is done. The word "proceedings" in section 64 cannot be so interpreted. The Minister may very well have the right to speak and do everything for the progress of the matter which is already before the House. He can take part in guiding it to the voting stage and at the voting stage he stops. It may include giving notice of a motion for amendment with the leave of the House on the floor of this House. All these things are done in the sittings of the House before the matter comes to the voting stage. This power cannot be extended to proceedings outside the sittings of the House and cannot cover all the proceedings which are contemplated by sections 66(2) and 87 of the Government of India Act, 1935.

Mr. LALIT CHANDRA DAS: May I ask one question to the Advocate General? It is the particular privilege and right of a member of the Chamber to move a resolution, to move a motion or even to move a demand or a bill. These are the inherent rights of a member of the Chamber. Now, in section 64 of the Act why we find so many words used "the right to speak in and otherwise take part in the proceedings of" if it was really intended that by section 64 a non-member had the primary right of a member, namely, the right to move a resolution or a motion for the consideration of a bill, why these most important words were left out from the section? These are important words, viz., "otherwise take part in the proceedings of but shall not by virtue of this section be entitled to vote". While so many words were used why the right to move a motion or right to move a resolution which is the primary right of a member was not mentioned in the section if it was really intended that a non-member should have those rights.

Dr. RADHA KUMUD MOOKERJI: I have two questions to ask. First he should carefully interpret the words "and otherwise take part in the proceedings." My view is taking part in the proceedings as in the context cannot be considered to mean taking an initial part or initiating or starting proceedings. My second point is whether in the present case the provision of section 82(3) of the Act has been conformed to. That is a matter of opinion. I suspect there is a good ground of irregularity. In this case I insist that this House in clear

terms should have a separate recommendation from the Governor to the effect that this Council should consider this bill. I want to know whether this formality has been conformed to. I raised this point in order to satisfy this House.

Mr. PRESIDENT: As regards the second point raised by the Leader of the Opposition, I think Mr. Sarker can at once explain to the House whether the recommendation of His Excellency the Governor has been obtained.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

Mr. PRESIDENT: Will you satisfy Dr. Mookerji?

The Hon'ble Mr. NALINI RANJAN SARKER: It is not my business to satisfy him: my business is to satisfy you. Governor in his discretion—here Governor means myself. (Laughter.)

Dr. RADHA KUMUD MOOKERJI: I have now caught him. Can by any stretch of imagination Governor mean the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know whether "impertinence" is a parliamentary word. I am tempted to use that word. I hold the sanction of the Governor.

Dr. RADHA KUMUD MOOKERJI: My question is whether the members of the Council are entitled to ask the Government when the Governor has been pleased to send his recommendation to the Council that the proposed bill be moved and be considered.

The Hon'ble Mr. NALINI RANJAN SARKER: Certainly, when I move the motion I will say "on the recommendation of His Excellency the Governor I move the bill". I moved the bill in the Lower House and now I am transmitting it to this House.

Dr. RADHA KUMUD MOOKERJI: A single recommendation will not do for the purpose of recommendation to this House.

The Hon'ble Mr. NALINI RANJAN SARKER: No separate recommendation is necessary and I am not going to be cross-examined by Dr. Radha Kumud Mookerji.

Dr. RADHA KUMUD MOOKERJI: Sir, this was a very important point in the United Provinces and I am not saying things in an irresponsible manner. I am attacking the right to move this bill in this House. My second point of attack is whether this bill has been

brought forward in the strictest technical conformity to the rules laid down under section 82(*3*) of the Government of India Act, 1935. Our work will be considerably simplified if he simply gives a straight answer.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I ask a few questions to the Advocate-General? My first question is that, although a rule may be made by a competent authority under section 82(*3*) of the Government of India Act, 1935, whether such a rule, if it is found to be repugnant to the provisions of the Act under which it was framed, would be void to the extent of its repugnancy and the relevant provision of the Act would prevail.

My second question is whether the framer of such a rule can legitimately go so far as to interpret by means of that rule a particular provision of the Act. If not, whether the rule under review could rightly seek to define or enlarge the meaning of the word "members" used in the relevant provision of the Act.

My next and last question is whether the rule making power given under section 82(*3*) can be used to give or take away the right of a "member" in respect of certain sections of the Act as the rule under review undoubtedly contemplates.

Mr. W. B. G. LAIDLAW: May I rise to a point of order, Sir. My point is that section 74(*2*) of the Government of India Act, 1935, contemplates a bill having been passed in the Lower House and when transmitted to this House becomes a part of the business of this House automatically without any introduction. It is the statutory business of this House to deal with that. The question which we are discussing is of course interesting. But has it any application to such a bill?

Mr. PRESIDENT: Mr. Laidlaw has raised an important point but I hold that though the bill is passed in the Lower House a further notice of intention to move that the bill be taken into consideration, will be necessary.

Maharaja Sir MANMATHA NATH ROY CHOWDHURY, of Santosh: My last question is that the rule under review says that a member being a member of the Council includes persons referred to in section 64 of the Act. Does it mean that section 68(*1*) will not be operative, namely, that no person shall be a member of both the Chambers? But the rule that has been framed under section 84(*3*) goes on to interpret the meaning of members as implied in the Act and says that members being members of the Council referred to under section 64 of the Act. Then what happens to section 68(*1*)?

Khan Bahadur M. ABDUL KARIM: Will the learned Advocate-General be pleased to answer my question, which is this? The maximum strength of the Upper House is 65 according to the Government of India Act, 1935. We are already 63 members elected and nominated by the Government. There are only two vacancies but the Governor rules that any of eleven Ministers and the Advocate-General can take part in the proceedings and come within the definition of a member. If all the eleven Ministers and the Advocate-General were to come, the number would come up to 75. Would not an order like that extending the scope of the definition, make the whole Council an unlawful assembly and the order itself *ultra vires?*

My next question is this; is it not revolting to commonsense that a member who is authorised to move any motion or to initiate any motion would be precluded from exercising his final right in the matter of voting?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we are interpreting certain clauses but I raise this point of order. Is there any provision anywhere whereby the Advocate-General can be questioned like this?

Mr. PRESIDENT: It is absolutely at the discretion of the Advocate-General to answer or not; if he so pleases he may answer.

Mr. S. M. BOSE: The first question that was put, was that section 64 only applies to the stage when the proceedings were going on and the other sections apply to the stage when the proceedings come to an end and it was suggested that it might apply to proceedings outside this Council when the proceedings in the Council had been concluded. If that is the correct interpretation which meets my point I submit that the notice of the resolution, before the resolution is actually moved, is part of the proceedings.

The second question has been put by the Maharaja of Santosh and his question is if the rules are repugnant to the Statute whether they would be *ultra vires*. It is an abstract question of law. The rules cannot take away the right under the Statute. The authority who has got to make the rules must interpret the rules as best as he can, before he makes the rules. Unless he knows what the meaning of the section is, he cannot make the rules: if he goes wrong that is another question.

Then the question is whether the rights conferred under section 84(3) can be taken away by the rules. That is an abstract question which is difficult to answer unless we get the exact rule. Whether it purports to take away the right or not, is a matter of procedure. Everything will depend on the nature of the rule. That is a question which cannot be answered in the abstract.

His next question was whether the definition of the word "member" as given in the rules comes in conflict with the provisions of section

68(*1*) of the Government of India Act, 1935. It does not, because the definition of the word "member" is not intended to make persons members who are not members. Instead of repeating the same thing over and over again in the rules, for the sake of brevity it has been said members means members of the Legislative Council. It is only for the purpose of reading rules and for no other purpose. It cannot confer any rights; it did not purport to do so.

Khan Bahadur M. ABDUL KARIM: It does confer rights.

Mr. S. M. BOSE: It is so drafted for the sake of brevity.

Another question which was put to me is whether, when the Act says that there shall be 65 members, what is the effect of the Ministers and the Advocate-General being treated as members. They are not members; they are treated as though they are members without the great privilege of voting. Therefore, it does not affect the Constitution in any way; and so far as the question of voting is concerned, when the Legislature has thought fit to give them the power to come in here, it is a matter on which I am unable to express an opinion. That is what the Parliament has done. Why were the important words left out, that is to say, the right to move resolution? The answer is that the framers of the Statute have got to express everything as briefly as they can; and at the same time to see whether everything is included in the section. What is intended to be their idea, is another question. I think I have answered all the questions.

Dr. RADHA KUMUD MOOKERJI: It is faultly drafting.

Mr. S. M. BOSE: I do not think so; it is excellent drafting.

Khan Bahadur M. ABDUL KARIM: I think Sir, that the learned Advocate-General has missed answering at least one question, viz., about the number.

Mr. S. M. BOSE: The effect of including the 11 Ministers and the Advocate-General has been to increase the strength of the House from 63 to 75, when it is stated in the Act that the total strength should not exceed 65. I admit that the words "Provided as far as the rules are" do not make the Ministers members though they are considered otherwise as members; so the elective principle has been maintained.

Khan Bahadur M. ABDUL KARIM: Sir, it is revolting to find that the Ministers who can initiate proceedings should be precluded from the right of exercising the last right, namely, of voting.

Mr. PRESIDENT: How long do the members desire to sit to-night.

Dr. RADHA KUMUD MOOKERJI: Sir, we would like the House to adjourn now.

Mr. J. A. McKERROW: Sir, in view of the fact that we have these bills pending, we do not object to sitting quite late to-night.

Mr. PRESIDENT: The House is now adjourned till 6-30 p.m., we shall then see what progress we can make.

The Council was then adjourned for prayers.

(After adjournment.)

PRESIDENT'S RULING.

Mr. PRESIDENT: Members of the House are naturally jealous of their rights and privileges *vis-a-vis* non-members entitled under section 64 [and also under section 57 (*2*)] of the Government of India Act, 1935, to participate in the proceedings of this House, and in view of the many questions and differences of opinion which have arisen, it has, I think, become necessary to define precisely the extent of the rights of participating Ministers and other non-members. The very fact that the statute does not specifically say that the Ministers will be deemed as members of both the Houses except in regard to the right of voting in the Chamber of which they are not members, raises the presumption that the authors of the Government of India Act, 1935, did not like to give them co-equal rights of members. They have given certain rights specifically as the right of "speaking in and otherwise taking part in the proceedings." Under the old Government of India Act of 1919 the language used in an analogous section, viz., section 63E (*4*) was "shall have the right of attending in and addressing the other Chamber but shall not be a member of both chambers", and it may be argued if the rights have not been enlarged in the present case what was the necessity for the change of language. I entirely agree that there has been enlargement of powers of the Ministers and of the Advocate-General in "otherwise taking part in the proceedings". The Ministers now have the right to move closure motions, to ask for division, to make statements, to raise points of order, etc. Under the present constitution the Advocate-General enjoys all the rights in a chamber like the Ministers, though he is not a member of the Cabinet and cannot be held responsible for the actions of Government. Under section 57 (*2*) of the Government of India Act, 1935, the same rights are also extended under certain circumstances to any official of the Government who may be authorised by the Governor "to speak in and otherwise take part in the proceedings" of the legislature just like the Ministers and the Advocate-General. So it is the duty of the Chair to strictly construe the words of

the section when the rights of members of the Council are extended not only to the Ministers but to the Advocate-General and other paid official of Government as well.

The Advocate-General of Bengal is of opinion that the Ministers enjoy all the rights of a member with the only exception of the right of voting, the logical conclusion of which necessarily is that even the provisions in the notification, dated the 13th August 1937, for adaptation in the Rules and Standing Orders of the Bengal Legislative Council by His Excellency the Governor which restricts the rights of Ministers in a House of which they are not members in eight other cases over and above, in regard to voting, must be construed as *ultra vires*, and as such null and void. This opinion of the Advocate-General does not in my view represent the true position. The divergence in the phraseology as between section 64 of the present Act and section 63E (*4*) of the old Act has apparently been construed to imply the bestowal under section 64 of absolutely equal powers on members and non-members except only in regard to voting. But the reason for changing the phraseology as regards the rights of non-member Ministers and of Counsellors as in section 21 of the Government of India Act, 1935, is apparently to be traced to the fact that it is contemplated that even in a unicameral legislature Ministers may not be members of that legislature for a period of six months within which time, however, they must acquire membership in order to continue as Ministers. During the interim period, it is necessary not only to give him the right to sit in but also "otherwise to take part in the proceedings" of the House. So it was necessary to give wider powers by changing the phraseology of the old statute.

As there are no restrictions in the statute as to the number of Ministers, and as any official may under certain circumstances be given the right to enjoy the same rights as those of the Ministers, the House must vigilantly guard the rights and privileges of the members of the House, and right to take part in proceedings, as I interpreted the other day, must be confined to the rights that may arise with the proceedings in the House. As I have already held, as soon as the President takes his seat the proceedings begin. "Proceedings", according to the dictionary meaning of the word, connote "business done at a meeting or sitting of an assembly or law court or society." In this sense of the word moving motions in the House would clearly form a part of the business done at a sitting of the House and would therefore form part of its proceedings. There appears to be nothing therefore to prevent Ministers, taking part in the proceedings of this House by virtue of section 64 of the Act, from moving a motion in this House. But they are specifically excluded from taking part in voting. I have, however, held that they have the right to demand a division, and the reason was simple, because under the Rules and Standing Order any member has the right to demand a division irrespective of the fact whether he exercises his vote or not.

But the right of the Minister and the Advocate-General under section 64 of the Act should be strictly limited to the proceedings as taking place within the four walls of the Chamber, while the members of the Council do enjoy larger powers both inside and outside the Chamber. This particular limitation of the rights of Ministers and the Advocate-General becomes clearer when the meaning of the expression "speaking in and otherwise taking part" is closely examined. "Speaking in" is also a way of taking part in the proceedings. So the term "speaking in" is less general than the words "taking part in the proceedings". The question therefore arises whether the well-known principle of *ejusdem generis* applies, i.e., that the general term which follows particular and specific words of the same nature as itself, takes its meaning from them, and is presumed to be restricted to the same genus as those words, or in other words, as apprehending only things of the same kind as those designated by them, unless, of course, there be something to show that a wider sense is intended. If the principle applies, and I think it does, "otherwise taking part in the proceedings" would mean something in the nature of speaking and participating non-members would not thereby have other rights beyond that of speaking or putting questions, or moving amendments and so forth. Had it been the intention of the authors of the Act to include among the rights of non-member participants *all* ways of taking part in the proceedings (barring voting of course), they could well have chosen the plain language of section 79 of the South African Act, under which the Administrator and any other member of the Executive Committee of a province, not being a member of the provincial Council, is given "the right to take part in the proceedings of the Council" though not the right to vote.

The rights which the non-member Ministers and the Advocate-General enjoy, *ex-officio*, under section 64 of the Act are thus of a peculiar nature, and not those ordinarily enjoyed by the members of the Council. So I hold that the Hon'ble Minister is in order in moving this motion in the House.

GOVERNMENT BILL.

Bengal Ministers' Salaries Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Ministers' Salaries Bill, 1937, be taken into consideration.

Khan Sahib ABDUL HAMID CHOWDHURY: I beg to move by way of amendment that the bill be circulated for the purpose of eliciting public opinion thereon by the 31st March 1938.

Sir, while moving this amendment I beg to commence my speech in support of my amendment by relating a story. A certain Kabuli on his

arrival at a railway station found that the time was up for the train tc start. He ran towards the train and when he was about to get into it it was in motion. Consequently he was opposed by the guard on the ples of safety.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point o order, Sir. This bill has been passed by the Lower House and has beer transmitted to this House for consideration under the Act. Now, is th hon'ble member in order to move for circulation of the bill?

Mr. PRESIDENT: Will you please explain under what rule he i debarred from doing so? Both the Houses are independent units an the procedure adopted by the lower House has nothing to do with thi House.

Khan Sahib ABDUL HAMID CHOWDHURY: After the train wa further in motion the guard was about to enter into his compartmen when he was suddenly stopped by the Kabuli who justified his action b saying that one who showed so much interest for the safety of others should not be conscientiously allowed to take the risk of getting into moving train. It is with the same idea that I have decided to move thi amendment in this House. It has been the inevitable practice of th Treasury Bench to move, in case of non-official bills, for circulatio for the purpose of eliciting opinion thereon. Sir, the Bengal Cabine consists of the intelligentsia of the country for whose wisdom and judg ment we have great regard. So in shaping our line of action we mus look to their action and conduct in regard to non-official bills.

Sir, in moving this amendment I am simply following the exampl set by the Hon'ble Ministers themselves. At this stage I think m amendment does not require any long speech and while commendin it to the kind acceptance of the House I hope and trust that in follow ing the principle which has hitherto been followed by the Treasur Bench in this autonomous province, they will not hesitate to acce my amendment.

If the Ministers think that they have embedded themselves in ou affection, I have every conviction that commanding as they do a cle majority in the House, they need not grow anxious and will face publi opinion on a measure in which they are personally and vitally intereste

The Hon'ble Mr. NALINI RANJAN SARKER: I do not thin Sir, any elaborate answer is required in connection with this motio If this House thinks that public opinion should be elicited it is reall their business, and I cannot complain, but if my friend Khan Sahi Abdul Hamid Chowdhury wants to follow me in every respect then have no objection, but I find that except in the case of the Minister Salaries Bill he has not moved any amendment——

Khan Sahib ABDUL HAMID CHOWDHURY: On a point of order, Sir. Is the Minister entitled to refer in his speech to a bill which is not before the House at the present moment?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not speaking on any other bill that is not before the House, Sir. I am only speaking on his attitude, viz., that while he says that he is only following me he has not tabled such circulation amendments to all other bills that are going to be moved to-day.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, perhaps the Hon'ble Minister does not know that several amendments have been tabled in connection with the other bills also.

The Hon'ble Mr. NALINI RANJAN SARKER: I said that I have not found any motion in connection with the other bills circulating them for public opinion, namely, in connection with the President's or the Speaker's Emoluments Bill or the Disqualification Removal Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: May I say a word, Sir? I do hope that the Khan Sahib will not take up this attitude. After all the subject of this motion has been duly considered; it has long been before the country and when he asks that the bill should be circulated for eliciting public opinion, he is asking that it should be circulated for that very opinion which has already considered the pros and cons of the bill. So far as the question of the amount of the salary is concerned, it is a matter which has already been discussed and pronounced upon in almost every assembly of thinking politicians in the province. I hope, therefore, that Khan Sahib Abdul Hamid Chowdhury will not consider that it is essential that the bill should be again circulated for eliciting public opinion and that he will be good enough to withdraw his motion.

Mr. NAZIRUDDIN AHMAD: I believe, Sir, that the purpose behind the amendment is to draw the attention to a certain state of affairs and I think that that purpose has been amply served and I would, therefore, most humbly request the mover now to withdraw his amendment, with the leave of the House, as I consider that his purpose has been amply served.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, out of respect for the views of the Treasury Bench and my hon'ble colleagues in this House, I think I should not press my amendment any further. But I only want the Treasury Bench to kindly take notice of the direction in which the wind blows and hope that they will be more careful in their dealings towards the affairs of this House.

Mr. PRESIDENT: Order, order. Is it the desire of the House to permit the hon'ble member to withdraw his motion? I think there is a general consensus of opinion to permit him to do so. Is there any objection?

The Congress party objected.

Mr. PRESIDENT: The question before the House is that the Bengal Ministers' Salaries Bill, 1937, be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1938. As many as are in favour of the motion will say "Aye," and as many as are against the motion will say "No."

The motion was put and lost.

Khan Sahib ABDUL HAMID CHOWDHURY: In view of the decision on my first amendment I do not move my Select Committee motion.

Mr. PRESIDENT: The question before the House is that the Bengal Ministers' Salaries Bill, 1937, be taken into consideration. As many as are in favour of the motion will say "Aye," and as many as are against the motion will say "No."

The motion was put and agreed to.

Mr. HUMAYUN KABIR: On a point of information, Sir. Will the amendments be moved in the order in which they appear on the order paper or will they be moved in the order in which they are furthest from the original motion?

Several MEMBERS: That is for the Chair to decide.

Mr. PRESIDENT: The question before the House is that clause 2 stands part of the bill.

The motion was put and agreed to.

Mr. HUMAYUN KABIR: Sir, I beg to move that for clause 2, the following shall be substituted, namely:—

"2. (*a*) There shall be paid to each Minister, including the Chief Minister, a salary of one thousand rupees and an establishment allowance of five hundred rupees per month, and

(*b*) there shall be paid to the Chief Minister a sumptuary allowance of one thousand rupees per month."

In commending this motion to the acceptance of the House, I think it is not necessary to dwell at any great length on the reasons for an amendment like this. I submit that it is an eminently reasonable

amendment and should receive the unanimous support of all sections of this House. Sir, in order to consider the salaries of officials—and I take it that Ministers are also officials of the State—there are some fundamental principles which should govern the fixation of a scale. The first consideration is that the salary should be such as is adequate for maintaining them in a condition of efficiency and comfort necessary for persons who hold those particular offices. There should be sufficient for efficiency and comfort but, Sir, not sufficient for luxury, because, I take it, Government service or service as a Minister of the State is not an avenue to individual aggrandisement. People do not or should not take to politics in order to make any personal gain out of it. I know as a matter of fact that some of our Hon'ble Ministers of the present Council of Ministers have actually made considerable sacrifices in order to accept that position. I might refer here to the mover of this bill who, as we all know, had a princely income from other sources and he has deliberately given up that income in order to serve his country, on a salary which is insignificant compared with the salary he was drawing before he took up his present office. So, Sir, my first principle is that the salary should be such as is adequate for his needs but not adequate for luxury.

The second consideration is that in determining the salary of a Minister, we should not make it such that it may persuade any one of them to cling to such office for a day more than is absolutely necessary to carry out his particular programme. We know that we have to deal with human factors in a not very perfect world, and therefore we should be very careful to avoid placing temptations in the way of a Minister. If salaries are made very attractive, then a situation may arise when, even though the Ministers find that they are not able to carry out their programme, they will yet cling to office for the emoluments which are attached to it. These are the two principles we need consider and from the point of view of these two principles alone, we have to judge whether any particular salary is adequate or not.

That is why I have to express at the very outset my dissent from the amendments which will be moved by the Congress party here. I know that it is usual with the Congress party to move amendments to the Salary Bill trying to fix it at Rs. 500 or so, but I would beg to submit that it is not in the long run an economically sound proposition. It may be very laudable of persons to sacrifice their interests and place their service before the country on a salary of Rs. 500 or Rs. 750, or whatever that may be. That, Sir, I should say, is a case of exploitation—a case of exploiting our love of the country. It is a case of appealing to our sentiment and there should not be any exploitation of sentiment in determining a salary for the Ministers. The salary as I have already said, Sir, should be such as will give them a comfortable living standard but no more than that.

This brings me, Sir, to the next consideration in connection with my amendment. The general ground on which we want to move this amendment is that there is a demand, a just demand all over the country that the prohibitive cost of administration should be reduced. There has been a cry all over the country that at present our officials are paid a scale of salary which is unknown in any other country in the world. In this connection, I might place before the hon'ble members of this House the fact that when the salaries of Ministers were fixed for the first six months of this new regime of Provincial Autonomy, they were fixed at a scale the lower rung of which was Rs. 2,000. It was not thought necessary for the dignity of the Ministers to have salaries of more than Rs. 2,000. Therefore by admitting that Rs. 2,000 is enough for certain of the Ministers—at any rate, the Government have committed themselves to the principle—that the salaries of the Ministers need not be more than Rs. 2,000 in any case. The Government bill to fix salaries at Rs. 2,500 now is, therefore, patently unjustified in the light of the past action of the Government themselves. We want to go further than that; we intend to say as in the terms of my amendment that the salary should not be more than rupees fifteen hundred a month, as we consider it to be quite adequate. In this connection, Sir, I might refer to the election pledges of several Hon'ble Ministers themselves, but I do not want to take my stand on those pledges. I want to take my stand on considerations of social welfare only, consideration of what the country is in a position to pay.

We know that references have been made from time to time to the scales of salaries of Ministers in other countries. It is said, for instance, that in Japan the Prime Minister gets a salary of Rs. 1,400 a month. We know that in England also until very recently Ministers used to get a salary of £2,000 a year which works out roughly to Rs. 2,000 a month and when we consider the enormous budget of England of about 900 millions pounds a year, which works out roughly to more than 90 crores of rupees a month, we can easily see what the pay of our Ministers should be! They have that budget and yet the salary of their Ministers is fixed at about Rs. 2,000 a month, and we know that the standard of life is very much higher in England. If with their higher standard of living and more expensive ways, their Ministers could do with about Rs. 2,000 a month, I do not see any reason why in our country, where the annual budget is Rs. 12 crores, Rs. 1,500 a month should not be adequate and more than adequate for the salary of a Minister.

This brings us back to the question of social inequity of the salaries in our country. We know that the scales of salary in the higher services in our country are undreamt of in other countries. The Home Civil Service in England starts with a salary of £250 a

year or Rs. 250 a month and the maximum is £850 a year which comes to roughly Rs. 850 a month. Members of the Home Civil Service who are the pick of the candidates enter the service after passing a competitive examination and they are content with that salary in a country where the standard of living is higher and the cost of living is much more expensive. If they are satisfied with a scale of pay rising up to Rs. 850, I do not see any reason why three times of that salary should be paid here to the members of the Indian Civil Service, who are very often candidates who have failed to qualify for the Home Civil Service. We have unfortunately no direct control over such salaries and that is precisely the reason why I have brought this motion about the salary of Ministers. If once our Ministers accept the salary of Rs. 1,500 a month, we can put pressure on the Government of India and we can recommend to the Secretary of State for India that in our country such salaries as are paid to the All-India Services are not required. I wish further to say to the House that there is no reason why these scales of salaries should subsist in the other branches of services, because we know that many European Government servants come through nomination nowadays and not through examination, and even those who do come through the competitive examination are in many cases not the best men of England. The very best men do not like to come out and generally the best men, if they come at all, come to the commercial services or to trades or industry. As regards Indians, I think many of our best men would come even if the scale of pay is very much lower than what prevails at present. The cost of administration cannot be lowered unless the Ministers too are prepared to accept a lower salary for themselves. If only they do so, they can ask for proportionate reduction in all other services besides the actual saving in their own salaries. If my amendment is carried, there will be a net saving of about a lakh and a quarter, and in a poor country like ours—with no education and little sanitation, who dare deny the value of even a lakh a year?

I would say that the absorption of a large proportion of the best men in the Government administrative services is a definite social loss which explains to a great extent the reason for the poor standards of our public life. Everywhere in the world we find that men of average ability, men of ordinary ability, go to the administrative services because the work that has to be done there is largely routine work. The best men always go to the professions, the best men go to trades, the best men go to commerce, they always go to open up individual lines of increasing the prosperity of the country. But in our country, because of the temptation of high salaries in Government services, many of the best men are taken away from the national life, from social welfare work. From this point of view there is a vast waste of human material in this country. For this reason also, I propose that the

scale of salary of the Ministers should be reduced and should be reduced to bring it into consonance with the standard of poverty in our country.

There is another point with regard to the high salary of our Ministers. Our Ministers are popular Ministers. If they are popular Ministers, they should be prepared to live in such a standard of life as would be in conformity with the standard of living to which we are accustomed in this country. I had occasion to mention the other day that in our country seven crores of people are on the verge of starvation and fourteen crores live on half rations. So out of thirty-five crores, twenty-one crores do not get two square meals a day. In view of these appalling conditions, is there any reason why our Ministers should get the princely salary proposed in the bill? It would isolate them, it would denationalise them, it would make a separate caste of them. This high salary to a great extent is instrumental in alienating them from us and showing that they cannot feel for the suffering which we undergo.

From these different points of view—from the point of view of social welfare and from the point of view that a great deal of human material is wasted in carrying out routine work when this work can be done by men of inferior ability, I move for the consideration of the House that the salary of the Ministers be fixed at Rs. 1,500 a month and no more than that.

With regard to the Prime Minister because he has certain additional responsibilities I move that there should be a sumptuary allowance of Rs. 1,000.

Mr. KAMINI KUMAR DUTTA: On a point of order, Sir. It appears that in the amendment it is proposed to fix the pay at Rs. 1,000 with an establishment allowance of Rs. 500. Now, looking to section 51(*3*) of the Government of India Act, 1935,—this is the section which has made provision for giving salaries to the Ministers—it is found that it definitely and clearly provides for only salaries and not allowances. To make my point clear, again, if we read section 72 of the Act, we find that provision has been made for the members' "salaries and allowances." There it is laid down that members of Provincial Legislative Assembly and Legislative Council shall be entitled to "salaries and allowances." In respect of Ministers the Act has not given any right to this House to grant any allowance. The House can only grant salaries. So my point of order is that the amendment will be operative only in respect of salaries proposed and the portion relating to allowances is *ultra vires* and should be expunged.

The Hon'ble Mr. NALINI RANJAN SARKER: I would differentiate it like this. Section 51 of the Act gives power to the Governor.

The Governor cannot sanction allowances: but if the Council so desires it can give allowances to the Ministers as will be evident from section 78(3) (c) of the Act, "salaries and allowances to Ministers and Advocate-General."

Mr. PRESIDENT: I think that satisfies Mr. Dutta.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Looking to the section and the amendment, will it be within the competence of the House to move an amendment of the nature of introducing any special kind of allowance for the Ministers, namely, sumptuary allowance which is not contemplated in the bill that is before the House? The bill is for salary only.

Mr. PRESIDENT: Any member can send an amendment for substituting some words in the preamble.

Mr. HAMIDUL HUQ CHOWDHURY: Will that not be going beyond the scope of that bill?

Mr. PRESIDENT: No.

The Hon'ble Mr. NALINI RANJAN SARKER: It is a bill for the Ministers' salaries.

Mr. PRESIDENT: If the House agree and if any such clause is accepted there will be still occasion for amending the title and the preamble of the bill. It is always allowed if there is any necessity for such amendments.

Mr. HAMIDUL HUQ CHOWDHURY: There are provisions for Ministers' pay. Has the House got ample power to give them allowance because there is no bar? If the House sanctions it that would be another kind of thing. This is a bill only for providing salaries and by changing the title we cannot change the scope of the Act which speaks of the salaries only.

Mr. KAMINI KUMAR DUTTA: I refer again to section 78(3)(c) which was pointed by the Hon'ble Finance Minister in which it is laid down "salaries and allowances of Ministers."

Mr. PRESIDENT: I do not dispute that. That is the exact reason why I did not put clause 1, the title and the preamble of the

bill for vote before the House. I shall put them for vote after the House takes decision as regards the clauses. The House may be agreeable by concensus of opinion to accept amendments in the title and preamble of the bill, if considered necessary, after passing all the clauses of the bill.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to move that in clause 2(*a*) for the words "three thousand" the words "seven hundred and fifty" be substituted.

In moving this amendment I would first refer to the speech of my friend Mr. Humayun Kabir. In some of his remarks I find that he has enunciated some principle on which he has based his amendment, but I am sorry to find that he has not himself followed the principle which he has so eloquently enunciated here in his amendment. He has said that in England the Ministers get a salary of Rs. 2,000 as against an income of more than Rs. 90 crores a month. My friend ought to take a note of that as well: he has also said that the Congress has taken an unreasonable attitude in trying to enforce a salary of Rs. 500 for the Ministers. But as compared with the figures he has quoted——

Mr. HUMAYUN KABIR: On a point of information, Sir. I did not mean to say unreasonable: what I meant was that they were exploiting the sentiment of patriotism.

Mr. SHRISH CHANDRA CHAKRAVERTI: So he uses rather harder terms—exploiting the sentiment of patriotism. His amendment wants to exploit the money of the country that finds place in the pockets of the Ministers. What I was going to say was that in proportion to the amount of income the salary of Ministers which has been fixed by the parent Government, I mean in England the Mother of Parliament which has given us this law, it is quite wrong for my friend Mr. Humayun Kabir to propose a higher rate of salary than that proposed by the Congress. I think the members of the House should not call it unreasonable or exploiting the sentiment of the people or anything of the sort.

Another point which I want to urge upon this House is that a new constitution has been initiated in this country and that is based on a democratic principle and the whole democracy follows the rule of majority. Here in India seven provinces out of eleven have done certain things and accepted certain principles and they are acting upon it and it has not been urged anywhere that they have done anything wrong. I might say that we heard that there was a great controversy about

the acceptance of office by the Congress—it is well known to the House—and that controversy appeared in the papers between Mahatma Gandhi and the Viceroy.

Mr. E. C. ORMOND: On a point of order, Sir. Is it relevant to the business of the House? Surely the Ministers' Salaries Bill has nothing to do with the domestic affairs of the Congress.

Mr. SHRISH CHANDRA CHAKRAVERTI: And then the Congress group was invited to form Ministry by the Governor-General and the Governors although they knew full well that they were forming Congress Ministry with a salary of Rs. 500 for Ministers after the first Ministry was dissolved. Does it not show that it is a sort of acceptance of Congress principle? And still the members of this House will persist that this salary is inadequate, not keeping with the prestige and dignity of the office. So, I want to make this point clear to my hon'ble friends that in a poor country like ours where the resources are so limited, where we have got no primary education and where people are almost on the verge of starvation—in a country like this I do not understand how we can talk of prestige attached to any office. I am sorry to see that the Maharaja of Kasimbazar is so much anxious about the salary. Knowing the condition of the country we should, as the saying goes, cut our coat according to the cloth.

I do not want to take up much of the time of this House. I see people are very anxious to pass it through. I feel that the salary of the Ministers should be fixed at Rs. 750 as the maximum.

Mr. PRESIDENT: I shall follow the procedure that first of all the amendments will be moved. Then the original motion as well as the amendments will be before the House for discussion.

Mr. MOAZZEMALI CHAUDHURY: Mr. President, Sir, I beg to move that in clause 2(*a*) for the words "three thousand" the words "two thousand and five hundred" be substituted.

The hon'ble member then addressed the House in Bengali. The following is the English translation of his speech:—

In support of this resolution of mine I want to say that it will be very unjust and indiscreet on our part if we as representatives of the people of Bengal fix the salary of the Chief Minister at Rs. 3,000 per month. In a country where people do not get two square meals a day, where the masses are steeped in illiteracy and ignorance for want of money, where the Government cannot provide for the primary education

of the people, as also, for the improvement of their health for want of necessary funds, such a high salary for the ministers who are representatives of the people, cannot be justified.

The Hon'ble Mr. A. K. Fazlul Huq, who to-day holds the office of the Chief Minister, as a Leader of the Proja Party openly declared at the time of the general election that the salary of a Government officer ought not to exceed Rs. 1,000 a month.

If ministers in seven provinces like Madras, Bombay, United Provinces, North-Western Frontier Provinces, etc., can efficiently manage the affairs of the Government with a salary of Rs. 500 a month, it passes our comprehension why the Ministers in Bengal cannot fall in line with their compeers in other provinces. Nevertheless, as Bengal is not a province where the Congress commands a majority, I have made the proposal for fixing the salary of the Chief Minister at Rs. 2,500 a month, that is to say, five times the salary accepted by a Congress Minister. I hope, all sections of the House will support this just and reasonable proposal of mine.

In this House of the Legislature there are both elected and nominated members. The nominated members stand on a different footing. I have nothing particular to say to them. But I want to remind the elected representatives of the people that they ought not to forget whom they represent here. Paying greater attention to the interests of the teeming millions of our countrymen rather than to those of the ministers we must be determined to work for the curtailment of the cost of administration in all directions. With these words I beg to invite the House to support my motion.

Sir, I beg to move that in clause 2(*b*) for the word "two" the word "one" be substituted.

I bring before the House for its support this amendment for a reduction in the salary of other Ministers, for the same reasons for which I moved for the reduction of the salary of the Chief Minister. I propose for the salary of the Hon'ble Ministers to be fixed at Rs. 1,500 instead of Rs. 2,500. Considering the question in all its bearings, I think everybody will take this motion of mine to be a reasonable one.

I do not believe that the fitness, capacity and will to work or urge for work on the part of the ministry depend on the amount of money alone. We find that from April to September the Hon'ble Ministers in charge of Local Self-Government, Co-operative Credit and Rural Indebtedness, Judicial and Legislative and Forest and Excise Departments have drawn a salary of Rs. 2,000, a month, while the remaining six, excluding the Chief Minister, have drawn at the rate of Rs. 2,500 a month. I cannot make out what has occurred in the meantime to necessitate an increase in the salary of the said four ministers. All these six months they have worked on a salary of Rs. 2,000 per month.

In these circumstances, are we to understand that they find no inspiration or zest in their work unless their salary is increased? And that this attempt at increment is due to the laxity shown by them in their work because of a lesser amount of pay than that drawn by other Ministers? I am not prepared to accept such a scandalous inference as true in the case of the Hon'ble Ministers. And I think none of the members present entertain any such opinion. But if this is true, we shall have to examine why this attempt is being made for increasing their salary. To my mind, the only reasonable cause for this motion is to remove the disparity existing between the salaries of the different Ministers. In that case I would like to point out that it would have been more seemly, had the Hon'ble Finance Minister brought about this parity by reducing the amount of salary instead of increasing it. Specially, I cannot but feel amazed at the motion brought forward by the Hon'ble Finance Minister, which seeks to fix the salary of the Hon'ble Ministers at an amount that exceeds the one fixed by His Excellency the Governor himself and considered by him just and equitable. I am at a loss to find out any reasonable excuse as to why the other Ministers think it impossible to work on a salary which a capable man like the Hon'ble Mr. Nauser Ali has accepted all this time. The Hon'ble Ministers should have accepted a smaller salary than that inserted in the Bill and thereby set an example before the Government officers all over the province. Such an example having been set by the Hon'ble Mr. C. Rajagopalachariar of Madras, even the civilians there have proposed to accept a smaller scale of salary. At the same time, every member of the legislature is aware that under the present Government of India Act no Provincial Government has the power to reduce the salary of the I.C.S. officials. The civilians of Madras, therefore, have agreed to make this sacrifice simply because they have been inspired by the example of the Hon'ble Mr. C. Rajagopalachariar. If in the same way, the Hon'ble Mr. Fazlul Huq also sets an example before the officers in the province by accepting a smaller salary, it will save lakhs of rupees out of the cost of administration. This saving will afford opportunities for undertaking more beneficial work for the country.

With these words I request all the members present to support my motion.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I beg to move that after clause 2(*b*) the following proviso be added, namely:—

"Provided that the number of such Ministers are not more than six if all are chosen from one Chamber or eight if chosen from both the Chambers and that in the event of more Ministers being appointed the sum total of salaries of six or eight Ministers, as the case may be,

in accordance with this proviso at the rate prescribed in the Act shall be equally distributed among them as salaries effecting a consequential reduction in the rate of salary."

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I rise on a point of order. I submit that the Maharaja of Santosh cannot move this motion, because it will interfere with the discretion of His Excellency the Governor who has the unrestricted right to appoint as many Ministers as he likes and from whichever Chamber he likes to appoint them. In that view of the matter, I think that the motion is not in order.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, that is the point which has also struck me. The proviso which fixes the number of Ministers under certain conditions is of a mandatory nature, and upon the proportion the salary is to be fixed. The difficulty will arise because the Governor appoints his own advisers and it is a matter of his sole discretion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is another objection and that objection is that the Act provides that the salary once settled shall remain in force for five years and cannot be changed during that period; whereas the effect of Maharaja's amendment is that if at a later stage the number of Ministers is raised from eight to ten, the salary to each Minister will be decreased. Therefore, I consider that the motion cannot be moved.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I explain, Sir? I submit that the proviso which I have suggested is an elastic one. There is nothing in it which restricts the power of the Governor to appoint any number of Ministers he pleases. In fact, no figure has been rigidly mentioned in my proviso. It only seeks to lay down that if the number of Ministers is six, they will be paid at a certain rate; if it is eight, the rate of their salary will be different and if it is more, the sum total of the salaries of six or eight as prescribed in the Act will be equally distributed amongst the Ministers. So far as the present Ministers are concerned, if it is argued that if their number is not reduced, their salary cannot be reduced on that account, I would say that such an argument does not hold good inasmuch as their salary has not yet been fixed by the Legislature of the Province. We are now called upon to fix their salary. The fact that one House has passed the Ministers' Salaries

Bill, it does not take the Bill to the stage of finality unless we agree to accept it *in toto*. It is, therefore, clear that the salaries of Ministers are yet to be fixed. If it is once fixed, I admit, it cannot be altered during their term of office, but in reality the rate of salary has not yet been fixed. If my proviso is carried by both the Houses the result will be, either the number of Ministers shall have to be reduced to six if they are to be chosen from one Chamber; or to eight if they are to be chosen from both the Chambers. On the other hand, if the present number and personnel of the Ministry are retained, the sum total of the salary of six Ministers at the rate that may be fixed shall have to be equally divided among eleven Ministers. So my friend, the Hon'ble Home Minister, should at least concede that there is no intention on my part to encroach upon prohibited grounds. As no salary has yet been fixed, I submit, my motion is in order.

Mr. NAZIRUDDIN AHMAD: Sir, I wish to submit that the effect of this amendment is not exactly what the Maharaja has said; but it does really restrict the number in the most emphatical and clear terms. He has suggested an amendment and we are to see what it means—not what the mover says it to mean. The language of the amendment is: "Provided that the number of such Ministers are not more than six if all are chosen from one Chamber"; that is, it shall not be more than six if they are chosen from one Chamber. The words "are not more than six" make the proviso meaningless. I believe the hon'ble mover might now say that he does not really mean this at all. The words "or are not more than six if chosen" clearly restricts the discretion of His Excellency the Governor in choosing the personnel of Ministers. The language is rather loose, but his intention is clear that it shall not be more than six if they are chosen from one Chamber and not more than eight if chosen from two Chambers.

Mr. PRESIDENT: What about the next line—"if more Ministers are appointed"?

Mr. NAZIRUDDIN AHMAD: Sir, the proviso is very badly worded. The difficulties that will be created will be worse than those created by section 64 of the Government of India Act, 1935.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I never suggested that the salaries of Ministers had already been settled; what I meant to suggest was that supposing this be passed and out of the eleven Ministers, five resigned and only six remained. Their salaries are

fixed according to this Act; supposing later on, the Governor appointed two more Ministers, then according to this proviso the salaries of Ministers which had already been settled would have to be varied. Therefore the proviso goes against the Act.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: My point is this that the salary of the Ministers will be fixed when the number eleven is fixed by the two Houses. That is my friend's contention.

Mr. PRESIDENT: His contention is that supposing, as at present, there are eleven Ministers and we fix the salary at a consolidated sum of rupees 30,000. If subsequently some Ministers resign and the number is reduced to five, then there will be a variation. This will contravene the provisions of section 51 (*3*) of the Government of India Act, 1935, viz., that the salary of a Minister shall not be varied during his term of office but according to the amendment which you now propose, there will be variations as regards the salary of Ministers.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I will obviate that difficulty by bringing again a motion for a supplementary grant to the House. I do not reduce their salary. Now if this motion is at all accepted by both the Houses, then of course more Ministers will have to be appointed for whom no salary provision has been made.

Mr. PRESIDENT: Supposing we take it in the other way, viz., that five Ministers resign and six remain. What will happen then? According to your amendment, the sum will have to be equally divided and thus there will ultimately be a variation in salary. That is the difficulty. The statute is clear that there should not be any variation in the salary of a Minister during his term of office.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But that can be obviated by a supplementary grant.

The Hon'ble Mr. NALINI RANJAN SARKER: No, that cannot be done because it is a charged salary.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But if the Governor thinks that five more Ministers have got to be appointed, he can have a supplementary grant sanctioned by this House.

Mr. PRESIDENT: The difficulty is not in regard to additional Ministers. That can be met by a supplementary budget but if there is any variation in the number of Ministers, what will happen? If you fix a consolidated sum for the salary of eleven Ministers and if some of them resign and the vacancy is not filled, then the whole sum should be divided amongst the remaining Ministers. That will necessarily bring about a variation in the salary.

Mr. HAMIDUL HUQ CHOWDHURY: I think if the last few words, viz., "a consequential reduction in the rate of salary" are deleted, Maharaja's amendment may be in order.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: The present position is quite clear. But I quite appreciate the difficulty that might arise when I take into consideration the hypothetical case put forward by the Minister concerned. I think the remedy lies in the hands of the Governor.

Mr. D. H. WILMER: I would respectfully submit that the word "salary" in section 51 (*3*) of the Government of India Act, 1935. referes to the salary to which a Minister is legally entitled. If therefore the salary of a Minister legally depends upon the conditions proposed in the amendment which is now under consideration, the fact that such salary may be increased or reduced by reason of such a contingency coming into existence will not be a variation within the meaning of section 51 (*3*) of the Act. Assuming, for instance, we pass a bill to see that the salary of Ministers is fixed on a sliding scale dependent upon the amount of income-tax that may be realised or the customs duty that may be realised, though the salary will be on a sliding scale, the fact that the salary rises or falls would not be a variation. That I respectfully submit will not be a variation within the meaning of section 51 of the Act.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Supposing that the effect of this proviso would be restraining the hands of the Governor from appointing Ministers after some of them have resigned, I think the result in that case would be that there were two ways out. They can either amend the Act or come forward for a supplementary grant. Even assuming that that cannot be done, the result would be that the six Ministers who would remain would not have any reduction in their salary and the surplus amount might be distributed amongst the new Ministers.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: On a point of order, Sir. According to the proposal of the Maharaja Bahadur this bill then becomes a money bill, because the whole object of the salary bill is to fix the salary of individual Ministers but if you fix a consolidated amount, it becomes a money bill. Therefore, we have no right to go into that question.

Mr. PRESIDENT: I am constrained to hold that this amendment is not in order.

Adjournment.

The House then adjourned till 10 a.m. on Saturday, the 18th September 1937.

Members present:

The following members were present at the meeting held on the 17th September 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Chowdhury, Mr. Hamidul Huq.
(14) Chowdhury, Mr. Humayun Reza.
(15) Cohen, Mr. D. J.
(16) Das, Mr. Lalit Chandra.
(17) Datta, Mr. Bankim Chandra.
(18) Datta, Mr. Narendra Chandra.
(19) D'Robario, Mrs. K.
(20) Dutta, Mr. Kamini Kumar.
(21) Ellahi, Mr. S. Fazal.
(22) Esmail, Khwaja Muhammad.
(23) Goswami, Mr. Kanai Lal.
(24) Haider, Nawabzada Kamruddin.
(25) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(26) Hossain, Mr. Latafat.
(27) Huq, Mr. Syed Muhammad Ghaziul.
(28) Ibrahim, Khan Bahadur Maulvi Mohammad.
(29) Kabir, Mr. Humayun.
(30) Karim, Khan Bahadur M. Abdul.
(31) Khan, Khan Bahadur Muhammed Asaf.
(32) Khan, Maulana Muhammad Akram.
(33) Laidlaw, Mr. W. B. G.

(34) Lamb, Mr. T.
(35) Maitra, Rai Bahadur Brojendra Mohan.
(36) McKerrow, Mr. J. A.
(37) Momin Begum Hamida.
(38) Molla, Khan Sahib Subidali.
(39) Mookerjee, Mr. Naresh Nath.
(40) Mookerji, Dr. Radha Kumud.
(41) Mukherji, Rai Bahadur Satis Chandra.
(42) Nicholl, Mr. C. K.
(43) Ormond, Mr. E. C.
(44) Pal Choudhury, Mr. Ranajit.
(45) Poddar, Mr. H. P.
(46) Rahman, Khan Bahadur Ataur.
(47) Rahman, Mr. Mukhlesur.
(48) Rashid, Khan Bahadur Kazi Abdur.
(49) Ray, Mr. Nagendra Narayan.
(50) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(51) Roy, Rai Bahadur Radhica Bhusan.
(52) Roy Chowdhury, Mr. Krishna Chandra.
(53) Sanyal, Mr. Sachindra Narayan.
(54) Sarker, Mr. Indu Bhusan.
(55) Sen, Rai Sahib Jatindra Mohan.
(56) Shamsuzzoha, Khan Bahadur M.
(57) Singh Roy, Mr. Saileswar.
(58) Sinha, Rai Bahadur Surendra Narayan.
(59) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(60) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 17th September 1937:—

(1) Hossain, Mr. Mohamed.

(2) Jan, Alhadj Khan Bahadur Shaikh Muhammad.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 13th September 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Saturday, the 18th September 1937, at 10 a.m., being the seventh day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-eight members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Railway level crossing at Jadavpur.

72. Mr. NARENDRA CHANDRA DATTA: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware that the residents of Dhakuria and Jadavpur under the Tollygunge Municipality feel great inconvenience and run the risk in passing constantly over the railway level crossing where they are sometimes detained for long?

(b) If the answer to (a) be in the affirmative, is the Hon'ble Minister considering the desirability of either making the Gariahatta Road pass under the railway line or moving for the removal of the railway line to the south to meet the convenience of the growing population of the locality?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (a) Some delay to road traffic is inevitable at level crossings, but I understand that the delay at this level crossing has been reduced to a minimum by equipping it with gates interlocked with the signals.

(b) No.

Mr. NARENDRA CHANDRA DATTA: If the road be made to pass under the railway line, would that not absolutely do away with the delay altogether?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, it may be so.

Rice produced by Mills.

73. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the rice produced by the mills is believed to cause *beri-beri*?

(*b*) If the answer to question (*a*) be in the affirmative, what are the steps the Hon'ble Minister is taking to stop the production of such articles which is injurious to human health?

(*c*) Is the Hon'ble Minister aware that this rice-milling industry is killing a very useful home industry?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister please state what action he is contemplating to take in order to put a stop to this industry?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) I understand that such belief exists.

(*b*) This is a matter for the Public Health Department and is, I understand, under their consideration.

(*c*) and (*d*) I presume that the hon'ble member refers to the decrease in consumption of home-pounded rice. The action to be taken to increase that consumption and to regulate production of milled rice will depend entirely on the conclusions arrived at by the experts of the Public Health Department and the recommendations made by them. The Industries Department will gladly co-operate in any measures to encourage consumption of wholesome rice, if asked to do so.

Mr. KADER BAKSH: Is it a fact that the Public Health Department has already expressed the opinion that the use of mill-produced rice is not the cause of *beri beri* but that *beri beri* is due to mill-produced oil?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have already said that this is a question which concerns the Public Health Department and I cannot say what they have done.

Ferry ghats in Murshidabad district.

74. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what is the number of ferry *ghats* in the districts of Murshidabad, Nadia, Jessore and 24-Parganas?

(*b*) How many of these ferry *ghats* are leased out to non-Bengalis?

(*c*) Is there any dearth of suitable Bengali candidates?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) A statement is laid on the table.

(*c*) Yes, in some places.

Statement referred to in the answer to question No. 74, showing the number of ferries, etc., in the districts of Jessore, Nadia, Murshidabad and 24-Parganas.

District.	Total number of ferries.	Number of ferries managed by non-Bengalis.
Jessore	60	8
Nadia	57	12
Murshidabad	42	9
24-Parganas	77 (excluding municipal ferries).	4

Yields of Crops.

75. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that according to the return published by the Government of India (estimate of area and yield of principal crops in India 1935-36) the annual food production of this province falls short by two thousand million pounds of the minimum food requirements of the population, calculated on the basis of one pound per day for each individual?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state what steps have so far been taken, and with what result, to increase the annual food production of the province?

(*c*) Will the Hon'ble Minister be pleased to state what further steps he proposes to take for the purpose of increasing the food production of the province to the minimum, recognised to be essential by the Government of India?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) I regret that I do not understand how the hon'ble member has arrived at the figure quoted by him. There are no figures that I can find in the publication quoted to show the total food production. There are many articles of food, e.g., fish, meat, vegetables, for which no figures are given and of which considerable quantities are produced and consumed.

(*b*) It is not possible to give a concise answer to this question. A great deal has been done in the past to introduce new and higher-yielding varieties of food crops, such as paddy for instance, and to encourage the cultivation of vegetables, etc.

(*c*) I can find no 'minimum, recognised to be essential by the Government of India', but the department has many schemes which are designed to increase the production of food. Some of these I hope to introduce in my next budget.

Price and Grading of Jute.

76. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government have by this time decided what steps should be taken to ensure that the actual jute producers may get the proper price of jute?

(*b*) Will the Hon'ble Minister be pleased to state what steps the Government intend to take to encourage co-operative cottage production of jute goods in Bengal?

(*c*) Will the Hon'ble Minister be pleased to state whether he is aware that the jute-growers of Bengal ultimately suffer loss every year by the practice of the Indian Jute Mills' Association in changing the standard for grading of loose jute?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take to ensure fixing a permanent standard for the grading of loose jute?

(*e*) Will the Hon'ble Minister be pleased to state the number of non-Indian members and that of the non-Bengali members of the Indian Jute Mills' Association?

(*f*) Will the Hon'ble Minister be pleased to state whether he is aware that the price of jute per maund which the Indian sellers get from the jute mills is less than that got by the non-Indian sellers?

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take to stop this differential treatment to the Indian sellers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(*a*) I have nothing to add to the answer that I gave to question No. 132 at the meeting of this Council on the 16th August 1937.

(*b*) Schemes for the encouragement of jute weaving as a small or cottage industry form part of my programme for industrial development, which I hope to bring into operation next year.

The question of co-operative production of jute goods is a matter for the Co-operative Department whose attention will be drawn to this part of the hon'ble member's question.

(*c*) I have heard statements to this effect but I have received no complaint on the subject from any jute-grower or jute-dealer.

(*d*) The fixation of standards for loose jute is one of the subjects which the Indian Central Jute Committee has been appointed to enquire into. Their recommendations in this matter will receive my careful consideration.

(*e*) and (*f*) I have no information.

(*g*) Does not arise.

Mr. KAMINI KUMAR DUTTA: Does the reply of the Hon'ble Minister to question (*a*) amount to this that this Department has not yet taken any step to ensure that the actual jute producers may get a proper price for jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is not correct. We have been trying to take steps.

Mr. KAMINI KUMAR DUTTA: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what difference does the Hon'ble Minister make between statements of grievances and complaints?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Statement is made by an ordinary person and complaint is written out by an aggrieved person.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he is not aware of the fact that there is a general grievance in this respect?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May be so, but I am not aware of it.

Mr. J. A. McKERROW: With reference to answer (*e*), is the Hon'ble Minister aware that Bengalees may become members of the Indian Jute Mill Association if they pay the subscription?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: They can become members.

Mr. KAMINI KUMAR DUTTA: With reference to answer to questions (*e*) and (*f*), will the Hon'ble Minister be pleased to state whether any attempt was made to get any information in respect of matters enquired in questions (*e*) and (*f*)?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think the answer is complete. I have no information and that means that it would not be possible to get information on the subject.

Mr. KAMINI KUMAR DUTTA: That is not perhaps the proper answer. My question was whether any attempt was made to get the information required.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, we are not supposed to get any information. The information at our disposal is that we have not got any information.

Mr. KADER BAKSH: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why he cannot undertake this scheme, namely, small cottage industries, this year in view of the fact that the jute season has already begun?

Mr. PRESIDENT: No argument is necessary.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I hope the hon'ble member realises that any scheme which has to be operated upon, must be brought in the form of a schedule before the cabinet and after it has received their sanction and provided for in the budget and is passed by the Legislature then only it can be given effect to. In the present budget, as I said before, we were able to provide a small sum because I could not go myself into the schemes and that is why I have said that next year I will be able to frame a proper scheme.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether the price of jute is going down and showing a tendency towards a greater fall this year as I have seen in the papers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to submit that this question does not arise. On the contrary the price of jute is going up.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that in the newspapers—"Statesman", "Amrita Bazar Patrika" and in all other papers—articles have been published showing that the price of jute shows a tendency to go down everyday?

Mr. PRESIDENT: No reply.

Mr. PRESIDENT: You are moving your motion and unless somebody says that you are out of order, I take it that it is in order. You cannot yourself say that you are out of order. There is nothing before the House and let something be moved and then I shall consider if any point of order is raised.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It is not in regard to the admissibility or otherwise of my motion but with reference to the proviso of section 51(*3*) of the Government of India Act, 1935. However, Sir, as directed by you, I beg to move that for clause (*2*) of the bill, the following shall be substituted, namely:—

"(*2*) There shall be paid to each Minister, a salary of Rs. 2,000 per month: provided that the Chief Minister shall be paid a sumptuary allowance of Rs. 1,000 and each of the other Ministers an establishment allowance of Rs. 500 per month, if the number of such Ministers are not more than nine and are chosen from both the Chambers."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On a point of order, Sir. First of all, when the bills were laid on the table by the Hon'ble Finance Minister, I believe, Sir, you were good enough to ask the hon'ble members to put in amendments with regard to those bills within a certain date. My first submission to you, Sir, is whether you have been satisfied that this amendment is within the time that you have allowed, and if that is not, I submit, the Maharaja Bahadur is out of order, and this motion of his cannot be considered now.

The Hon'ble Mr. NALINI RANJAN SARKER: Another objection, Sir. The amendment provides "if the number of such Ministers are not more than nine and are chosen from both the Chambers". That is prescribed in the powers vested in His Excellency the Governor. I am not quite sure if the Maharaja Bahadur can move this motion without getting the recommendation from His Excellency.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not follow this amendment at all, Sir. What happens if the number of Ministers is more than nine? What salary are they going to be paid if they are more than nine? I am surprised at the Maharaja Bahadur's putting forward an amendment like this.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I explain, Sir? I am surprised that the Home Minister could raise a point like this—"What would happen if the number of Ministers are more than nine." In that case, they will be

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I would beg to submit, Sir, that this question does hardly arise from the original question.

Mr. PRESIDENT: Nawab Bahadur, you can merely say "may be".

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Could not a Minister raise a point of order saying that a particular supplementary question does not arise out of the original question?

Mr. PRESIDENT: Certainly he can, but it is safe for him not to take responsibility for any answer of which he is not certain and he may say "it may be".

GOVERNMENT BILL.

The Bengal Ministers' Salaries Bill, 1937.

Mr. PRESIDENT: I have received a notice of an amendment from Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, to the effect that there shall be paid to each Minister, including the Chief Minister, a salary of Rs. 2,000 per month, provided that Chief Minister shall be paid a sumptuary allowance of Rs. 1,000 and each of the other Ministers an establishment allowance of Rs. 500 per month if the number of such Ministers are not more than nine and are chosen from both the Chambers.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Before I move my amendment, if you permit me, Sir, I should like to raise a point of order arising out of the ruling which you were pleased to give yesterday.

Mr. PRESIDENT: The ruling has been already given.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It is far from my mind to complain against that ruling. I want to raise a new point of order.

Mr. PRESIDENT: A point of order is raised either on a debate or when a particular member may not be in order. It cannot be taken apart from any question which is actually before the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It arises out of my motion.

Mr. PRESIDENT: You are moving your motion and unless somebody says that you are out of order, I take it that it is in order. You cannot yourself say that you are out of order. There is nothing before the House and let something be moved and then I shall consider if any point of order is raised.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It is not in regard to the admissibility or otherwise of my motion but with reference to the proviso of section 51(*3*) of the Government of India Act, 1935. However, Sir, as directed by you, I beg to move that for clause (*2*) of the bill, the following shall be substituted, namely:—

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The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On a point of order, Sir. First of all, when the bills were laid on the table by the Hon'ble Finance Minister, I believe, Sir, you were good enough to ask the hon'ble members to put in amendments with regard to those bills within a certain date. My first submission to you, Sir, is whether you have been satisfied that this amendment is within the time that you have allowed, and if that is not, I submit, the Maharaja Bahadur is out of order, and this motion of his cannot be considered now.

The Hon'ble Mr. NALINI RANJAN SARKER: Another objection, Sir. The amendment provides "if the number of such Ministers are not more than nine and are chosen from both the Chambers". That is prescribed in the powers vested in His Excellency the Governor. I am not quite sure if the Maharaja Bahadur can move this motion without getting the recommendation from His Excellency.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not follow this amendment at all, Sir. What happens if the number of Ministers is more than nine? What salary are they going to be paid if they are more than nine? I am surprised at the Maharaja Bahadur's putting forward an amendment like this.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I explain, Sir? I am surprised that the Home Minister could raise a point like this—"What would happen if the number of Ministers are more than nine." In that case, they will be

paid at the rate of Rs. 2,000 per month, but they will not be entitled to draw the sumptuary or establishment allowances. My motion does not restrict the number of Ministers. The Hon'ble Mr. Mullick has raised the question of time limit. But, Sir, I pointed out to you that under the proviso to the section 38 (*2*), of the Bengal Legislative Council Rules and Standing Orders, you could admit my motion at short notice. The word "motion" occurs in that proviso, but Sir, the Hon'ble Mr. Mullick should know that an amendment is a motion. I am grateful to you, Sir, for having given me permission to move my motion.

The Hon'ble Finance Minister has said, perhaps carelessly, that I was making a fresh attempt to restrict the number of Ministers. May I tell him that I am not. My proviso is absolutely harmless and innocuous so far as the number of Ministers are concerned. The only restriction that I am seeking to impose is that if more than nine Ministers are appointed they may not get any allowance. I do not deny that it may prove to be an effective check against the appointment of any extraordinarily large number of Ministers; but, it is most certainly not a rigid restriction or bar. The Governor may appoint any number of Ministers he pleases.

The Hon'ble Mr. NALINI RANJAN SARKER: That is what I am objecting to. If it is to restrict the number of Ministers, then I think, he is out of order.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: My proviso, Sir, does not put any limitation in respect of the number of Ministers. If my motion is carried its only effect will be that in the event of more than nine Ministers being appointed, they will get the prescribed pay but will not be entitled to draw any allowance. But there is no bar to any number of Ministers being appointed—the present number may be retained, doubled or trebled or even multiplied to any extent.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the amendment is carried, it will lead to another difficulty that the pay of other Ministers will fluctuate according to the number for the time being.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Certainly not. The salary is fixed at Rs. 2,000 per month and it is invariable.

Mr. PRESIDENT: Order, order. The first point raised is about due notice, and the Hon'ble Minister is certainly entitled to raise that point, but the President has the discretionary power under the proviso to section 38 (*2*) of the Rules and Standing Orders and as a similar

matter has been given notice of by the same member, I permit him to move this amendment. The President has the power to allow an amendment or admit a motion without notice.

As regards the other point raised by the Hon'ble Finance Minister about the pay, it is fixed. There is no question about variation, nor is there any necessity to secure the recommendation of the Governor. So I permit this motion to be moved. It is in order.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, the object which lies at the back of my mind while I move this motion is to give to Government an unmistakable indication of the feeling of resentment with which this House has viewed the formation of the Cabinet, without any representative of this House in its composition. I think, Sir, that in all fairness the Government should have followed the example of other countries and other provinces of India, in this vital matter. In fact no Cabinet in Bengal can be complete without both the legislatures being represented on it. You, Sir, yourself have often said that the business of this House could be conducted more smoothly if this House had a representative on the Cabinet, who could speak authoritatively on behalf of the Government in all vital matters concerning this House. I am raising this issue on behalf of this House only to tell the Government that we have taken to heart very seriously the fact that this House was neglected and ignored when the Cabinet was formed; more so, because we firmly believe that the efficiency of the Cabinet would have been very much increased and the business of both the Houses would have been conducted much more smoothly if this House had not been ignored in the fashion it was. The purpose of the Cabinet cannot be only to capture votes in the two Legislatures. The purpose of the Cabinet should be to govern the province according to the Act and efficiently handle the problems which will add to its prosperity. From that standpoint of view the treatment meted out to the Upper House cannot be justified and must be condemned as a short-sighted policy. Do they think that the members of the other House have the monopoly of all the political wisdom and of all the experience in matter of the State? I am sure, they know that this House could have given the Cabinet representatives who would have worthily filled any position that might have been assigned to them.

The other point that I would like to make is that this House disapproves of the size of the present Cabinet. It is much too unwieldy. Of course, it is His Excellency the Governor's prerogative to appoint Ministers, but it is a well-known convention that in a matter like this he is guided, as far as possible, by his Chief Minister and we can criticise the advice given by the Chief Minister in relation thereto. I think, we can discuss on the floor of this House, the policy of the Chief

Minister—and I think that this House very strongly feels that the Chief Minister should have advised His Excellency not to make the Cabinet so unwieldy. Our experience teaches us that an unwieldy Cabinet oftener becomes a cumbrous machinery and all its parts cannot function smoothly. The size of the Cabinet has practically been doubled. In the last Government we have had only four Members of the Executive Council and three Ministers, but now we have got as many as eleven and what I could gather from the discussion that we have over the point of order last night, it is clear that the Hon'ble Ministers are very jealous of the right which may create any number of Ministers to strengthen their position. That attitude, I am sure, is something which surprises us on this side of the House. Instead of welcoming any suggestion to reduce the number of members of the Cabinet with a view to saving the tax-payers' money and to see that the public ex-chequer is not drained, it is really surprising that the hon'ble gentlemen of the Treasury Benches are anxious to keep their door open. Sir, if my suggestion is accepted, there will be a saving of the salary of two Ministers anyhow. That means Rs. 5,000 and other enormous incidental expenses per month. So my motion is justified on grounds of economy; but, the principal object at the back of my mind is to indicate the hollowness and short-sightedness of the policy of the Government in forming an unwieldy but unrepresentative Cabinet which is bound to fail to command the universal respect of this House which has been left in the lurch. Last night they put much stress on the proviso to section 51 (3) of the Government of India Act, 1935. But, Sir, I feel constrained to say that it is not consistent with the main provisions of the Act and it is not also consistent with the fundamental rights of the Legislature to vary or alter any salary that it determines. It is for you to decide whether the proviso which is in conflict with the main provisions of the Act or affects the fundamental rights of the Legislature, should be void or not to the extent of its repugnancy to the main section and to the fundamental rights of the Legislature. The main section lays down that the Legislature will from time to time determine a Minister's salary. Besides, I submit that it is a universal principle that the power to make includes the power exerciseable to add or to vary. I am not disputing it at the present moment; I am simply mentioning it for your consideration and that of the House. I do not want to take up the time of the Council any more. But before I resume my seat I must reiterate that this House is very much hurt because it is going unrepresented in the Cabinet contrary to the practice which is being observed practically in all the provinces of India and also contrary to the convention well-established in the British Parliament.

Mr. SACHINDRA NARAYAN SANYAL: On a point of information, Sir. It is really very unfortunate that practically almost every day

we have not got the privilege of having the august presence of the Hon'ble Chief Minister in this House.

Mr. PRESIDENT: Order, order. The original motion of the Hon'ble Minister and all the amendments are before the House. If any member wants to speak on the motions he may do so.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: In opposing any reduction of Ministers' salary as proposed in the various motions, may I point out that during the last government under diarchy, objections were raised by Congressmen and other critics of high salaries on purely political grounds and not for economic purposes? If I rightly remember, the Maharaja of Santosh advocated a salary of Rs. 4,000 equal to that of High Court Judges. Sir, nowhere in the speeches delivered by Congressmen like late Mr. C. R. Das was there any mention that Rs. 500 was adequate salary of Ministers. No political reasons have been urged by any mover for lower salary to-day. What the mover has urged here to-day is one—the question of economy and the other —social values of services of the Ministers, and the public duty to society has been urged by my learned friend, Mr. Humayun Kabir. These are the main grounds of the oppositionists on this salary question. Is it possible to expect much in the way of economy by cutting down the pay of your Ministers who are after all your servants? The State is an employer like other employers and if it want to get its work done by a suitable agency it has got to pay a market price for it. Even though it may be urged that in the case of the Government work, motive of patriotism and the like may influence the rate at which labour is willing to take and yet there is an irreducible minimum below which the requisite agency cannot be secured.

I shall give you an humble analogy. Many of us, specially men of Calcutta, own motor cars and are somewhat perturbed by high rates of pay which competent drivers demand. If members conduct their private affairs on the lines of their public utterances, they may well retrench their chauffeur on Rs. 60 a month and putting in a motor car-cleaner as driver on Rs. 15 a month. If they make this announcement in their families it will be received with applause. If on the next day they have to tell the survivors of the family that some of their brothers and sisters have passed away to the other world through a regrettable collision between the car and a passing tram, there will be a great shock. The same analogy holds good in the present case.

I have studied the conditions in Japan. I refer to Dr. Murray's book on Japan and taxation of that country. In Japan the Prime Minister gets a higher salary than other officials. The question of Civil Service pay and the cost of living of Japanese of the middle and upper classes are lower than ours. Japan raised her taxes eight-

times. In Japan Ministers are recruited from certain class of people who have plenty of leisure, money and means. It is, therefore, immaterial what pay is given to Ministers in Japan. The same thing also holds good here. The Maharaja of Kasimbazar, the Raja of Baikunthapore, Nawab Musharruf Hosain and the Nawab of Dacca and also the present Finance Minister can well afford to work on lower pay. But what about the rest?

Our social system has to be changed as in Japan to fix lower salaries. Since the reconstitution of the Indian Civil Services as far back as 1878, pay and emoluments were improved beyond all calculations and our upper middle class society, specially Hindu Society, is based on a new economic foundation, viz., service plutocracy who build big houses and live comfortably in big cities. Another class of people has been drawn from the legal profession with fat fees, from the merchant princes and from the heaven-born Rajas and Nawabs. I therefore maintain that Rs. 2,500 is adequate.

Another reason of my argument is this. By getting higher salary the Ministers are not going to live on more luxury because the moment they try to do so they become unpopular. Therefore they have got to distribute some of their money for public purposes. That is the reason why Governors and Viceroy get such a huge salary. Everybody knows what happened to Lord Carmichael. When he retired from India he was in debts. Certainly he did not send his money over to England or Australia.

I do maintain and ask you in all earnestness to consider what you preach and what you practise at home. Then you will realise that if you have a fairly good income, you are less worried, and then you can devote your money to public causes.

A member: That is when you manage public money.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: In other parts of the world, such as Victoria Province in Australia, where there is a Upper House and a Lower House, there are 8 Ministers, I admit, but the pay of each Minister is £2,000—and Victoria is an agricultural country. You have got to compare with India a country like that, and not Japan.

Mr. RANAJIT PAL CHOWDHURY: On a point of information. Sir. May I enquire of the hon'ble member whether he is speaking on behalf of the labour or on behalf of the capitalists?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I was speaking on behalf of the labour. I was speaking about the minimum market value of labour of the public servants.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I rise to support the motions which were moved by my friend Mr. Shrish Chandra Chakraverti, Motions Nos. 6 and 11 of the List. In these motions the salary of a Minister has been fixed at Rs. 750.

Mr. PRESIDENT: Motion No. 11 has not been moved.

Dr. RADHA KUMUD MOOKERJI: Sir, I was given to understand that Mr. Shrish Chandra Chakraverti took the two motions together and he was permitted to do that.

Mr. LALIT CHANDRA DAS: Sir, am I to understand that I am to confine my speech only to motion No. 6?

Mr. PRESIDENT: You can refer to all the motions that have been moved but not the one that has not been moved.

Mr. LALIT CHANDRA DAS: In fixing the salary of the Ministers, we should remember one particular fact and that is, whatever we will decide to do here, will be for five years to come so far as the salaries of the Ministers are concerned. Therefore it is a great necessity that there should be a great circumspection on the part of the hon'ble members to arrive at a proper figure as to the salaries of the Ministers. So far as this question is concerned, it seems to me that it will be better if we take a very rapid survey of the budgetary position of our province which is likely to be for four years to come. In the course of my speech, I will not refer to books on Japan or England but I will try to confine myself to the statement of facts which was made by the Hon'ble Mr. Nalini Ranjan Sarker, the Finance Minister, with respect to this country.

I will turn to page 6 of his speech when he presented the budget. On page 6 he says "at the commencement of the reforms in 1920-21, we opened with a balance of 2·72 crores. Then came the great depression which began in 1930-31, and it brought about a complete collapse of our revenues. There were large deficits from year to year and we could only meet such deficits by borrowing from the Centre. As a measure of *ad interim* relief pending a fresh settlement under the coming Reforms, the Centre voted for our benefit annually from 1934-35 a subsidy consisting of 50 per cent. of the net proceeds of the export duty on jute grown in this province. This only served to arrest the rot——".

Sir, what happened next year was that Bengal's share in the allocation of the jute duty was increased from 50 per cent. to 62½ per cent., resulting in an increase of Bengal's resources by about 45 lakhs over

the previous year's receipts. This amount together with the wiping off of 8 crores of Bengal's debt to the Government of India, enabled this province to present a budget which might be called a balanced budget. In this connection, we must remember one fact, viz., when the Government of India gave us a liability of non-Government deposits, they did not give us corresponding funds to meet the liability. To these must be added what the Hon'ble Finance Minister referred to in the following terms, on page 9 of his budget speech:—

"The deposits so far made in respect of this transfer fee exceed 50 lakhs, and if the fee is to be abolished by an amendment of the Act, stopping the income on this score, we should fine ourselves saddled with a liability of 50 lakhs to be liquidated in course of five or six years, with practically no specific resources to meet such a liability."

Now, Sir, it is an accomplished fact that the landlords' fee has been done away with and there has been an additional liability of 50 lakhs for which there are practically no substantial resources to meet such liability. Therefore the budget which is said to be a surplus budget may now be considered to be really a deficit budget.

I would now draw the attention of the members of this House to the Hon'ble Finance Minister's further observation on page 26 of his speech, which runs as follows:—

"The magnitude of our problems is naturally in direct proportion to the intensity of our poverty. To appreciate this inter-dependence and to adjust from time to time our ends to our means and the means to the ends are, to my mind, the essence of practical wisdom."

With the above statement I wholly agree.

Sir, I would now ask the Hon'ble Finance Minister what are the immediate social needs of Bengal. These are—the introduction of free compulsory primary education, provisions of sufficient funds for battling diseases and also for solving the unemployment problem. These are the immediate social needs, and as a matter of fact, for the purpose of introducing free compulsory primary education a statement was made by the Hon'ble Chief Minister to the effect that the ministry would do all in their power to tackle this question. As everybody knows, the introduction of free compulsory primary education demands a very large amount of money. Therefore, I submit, Sir, that a proper provision of money for meeting the immediate social needs cannot be so arranged as to give at the same time sufficient money to the pockets of the Ministers as well as house allowances and also some money to the members of the Legislatures. After providing first for the primary social needs, if sufficient funds are not left, then I submit a proper perspective arises as to what salaries might be distributed to

our Ministers. We have to declare war against illiteracy and for that purpose of waging war, the only prospect before the country is borrowing, there being no other way out of the situation. If, Sir, the Ministers really mean to bring better days to Bengal by introducing free compulsory primary education, by giving sufficient money to battle the diseases and by solving the unemployment problem, the only course that is open to us is borrowing. If that be the future of Bengal, viz., that there must be borrowing to carry on not only the internal administration but also to bring benefits to the people of Bengal, then I respectfully submit that the policy of the old government must be completely changed. The policy of the old government with its top heavy administration, was the restoration of the cut in officers' salaries even by the imposition of fresh taxation. Now, I submit that this policy must give way to a new policy of national economy and retrenchment. The question now comes to this, that if the Government adopt the policy of national economy and retrenchment, the question arises as to what should be the proper salary for the Ministers.

Sir, I would not travel beyond India in order to suggest the proper salary, but I should respectfully draw the attention of the House to the examples of Madras, Bombay, the United Provinces, the Central Provinces and even the North Western Frontier Provinces. Madras has got an annual revenue of Rs. 17 crores,—5 crores more than what Bengal enjoys; Bombay's revenue is 15 crores; the revenue of the United Provinces equals that of Bengal. If that be the situation, I do not agree with my friend, Mr. Humayun Kabir, who says that a salary of Rs. 750 would be too small. I submit, Sir, that the decision arrived at by the Congress Ministers of other Provinces as a result of deliberations made in a cool atmosphere regarding the requirements of the country, was that the highest salary that could be drawn in India should not be more than Rs. 500, of course there should be allowances for house rent and motor car and other things; and this was the decision which was arrived at, not in a hurry but by deliberations made in a cool atmosphere by all the best minds of India in the Indian National Congress.

We have the examples of Messrs. Rajagopalachariar, Govindballav Pant, Dr. Kher and Mr. Khare. These gentlemen were not sentimental but were patriotic enough to accept a salary of Rs. 500. They have done so, impelled by a patriotic sense to raise the people from their miserable conditions and also to show an example to the country. Although Madras has, as I have said, a revenue of over Rs. 5 crores more than what Bengal has got, and although Bombay has 3 more crores than Bengal and the United Provinces have got the same revenue as that of Bengal, these gentlemen have been patriotic enough to accept only Rs. 500 as being sufficient for their needs; for they want to follow the ideology of the East and not of the West. They want to

live plainly and to think highly; that is the policy they have followed. Why should we have to go to Japan or even to England? Here are the examples shown by the best sons of India and with these examples before us, should we not ask our ministers to be satisfied with Rs. 750 as suggested by the mover?

My friend Mr. Krishna Chandra Roy Chowdhury cited the example of Japan; but he has not mentioned the fact that the revenue of Japan is many times higher than that of Bengal.

My friend Mr. Humayun Kabir drew attention to the salary of the Ministers in England which does not exceed £2,000 per annum. But as a matter of fact you will find that the revenue of England is about 200 times that of Bengal. If therefore comparison be drawn, the salary of Rs. 750 suggested in the amendment of my friend Mr. Shrish Chandra Chakraverti cannot by any stretch of imagination be said to be low; but I think it is sufficient and enough for honest and patriotic Ministers who mean real business for our country.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I find that there are more than one amendment regarding the ministers' salary. I want to point out one thing in this connection. It is out of question to dictate that you should live upon this amount or that, you should not spend more than so much. The mode of living or the standard of living differs amongst different people. Somebody lives on mere *dal* and *bhat*, I think, particularly the Hon'ble Chief Minister follows that example. There also may be some who live on fish, meat, as well as milk. Somebody simply uses plain *dhoti*.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Is that a plain *dhoti* which you are wearing?

Mr. SACHINDRA NARAYAN SANYAL: Yes, it is absolutely plain and as white as milk.

I think it is not right to request anyone that he should get, or should not get, more than this. But my only request to the Hon'ble Ministers is that when they are determined to do real benefit to the poor, ill-fed people; and particularly when they find that they could make no provisions for the expansion of the nation-building departments, in that case should they not make some sacrifice and say: "Well, we will not accept more than this amount as our salaries." Why don't they come forward voluntarily and say that they will not take more than this amount? I know, Sir, particularly some of the members of the Cabinet, or rather a majority of them, are quite well-to-do. Sir, if I am out of order, I hope you will please pull me up. But knowing particularly that the Hon'ble Finance Minister's income was

not less than a lakh of rupees a year which he used to draw from the Hindusthan Insurance Company and I think that income I could never expect to get in my life.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, are the private affairs of members of the Cabinet relevant to the discussion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We are soon going to take in all the money from the zemindars for the purpose of doing good to the poorer people.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: You will soon find yourself in the grip of extreme poverty and that is the inevitable result of what you are doing.

Mr. SACHINDRA NARAYAN SANYAL: So my only request to the Hon'ble Ministers is to make some sacrifice when they are so anxious to render some real benefit to the poor people. Why should they not say: "Well, come on what are you talking, we are even prepared to carry on our work as honorary Ministers. (Hear, hear.) We want to do good to the country."

Mr. HAMIDUL HUQ CHOUDHURY: Can the hon'ble member in the course of five minutes change his attitude? He opened his speech by saying that he was supporting the Ministers and now he is attacking them.

Mr. PRESIDENT: Mr. Sanyal, you need not take notice of any interruptions.

Mr. SACHINDRA NARAYAN SANYAL: I want that isters should voluntarily say, "Well, when there is such an agitation, we shall not take a farthing more than what we actually require." Are they prepared to do so? I do know, Sir; but there are other members in both the Houses who are prepared to make sacrifice to that length. However, my point with regard to this amendment for reduction in their salaries has nothing to do with no-confidence. We do not say yet that we have no confidence in the Ministers but if they go on like this and if they do not care whether they can provide anything for the nation-building departments and only care for money to be distributed amongst themselves, among the officials and the members of both the Houses, then I do not know what will be the future for them.

Mr. D. H. WILMER: Mr. President, Sir, the group for whom I speak support the bill and oppose the amendments which have been introduced. The amendments may be divided into two classes. First, the proposals for reductions by various amounts. Sir, my group feel that the salaries proposed in the bill are reasonable. The officials who will receive salaries, have undertaken great responsibilities. They have also taken on their shoulders a tremendous amount of work. If they are capable of performing all the duties which in this hon'ble House they have been asked to do; if they are, for instance, to solve the unemployment problem, I feel that the salaries which they are to receive are an extremely small remuneration. Secondly, we all know the rates of salary which are paying in this city and the standard of living which must be adopted by the gentlemen in their position, and I am sure this hon'ble House wishes that the Ministers of this Government would be able to live according to their proper standard of living. All that I wish now to say further on the subject of the proposed reductions is in connection with certain remarks made about the salaries paid to Ministers in England. I have to-day obtained a current copy of a well known book, the Whittaker's Almanac, which I think may be taken as one containing reliable informations. I ask your leave to quote from that. The Prime Minister in England, I must say Great Britain, because my Scottish friend takes objection to England, receives a salary of £5,000 a year——

Several members: No, it is now £8,000 and is going to be raised to £10,000.

Mr. D. H. WILMER: And I understand that there is a bill which is going to increase that salary to £10,000 a year. Numerous other officers of the State also receive a salary of £5,000 a year there.

I will now deal with the amendment proposed by the Maharaja of Santosh. The group for whom I speak thoroughly endorse the principle behind that amendment, namely, that it is in the interest of good Government and the proper discharge of the business of this hon'ble House that a Minister should be chosen from this House. At the same time, it must be remembered that the Hon'ble Ministers, as they have themselves said in this hon'ble House, have undertaken what I may be describe as a new job and we must give them time to find and try to have this new machinery in the proper working order. Therefore the group for whom I speak, feel that it is not fair to attack them by proposing restrictions or conditions on their salaries, and that when the views of this House have been placed before them and it is hoped that remedy will be made in due course, my group are not in favour of supporting the amendment suggested by the Maharaja of Santosh. Further, it has been said that the Ministers have been most

punctual and regular in their attendance in all the sittings of this House and that they have not neglected this hon'ble House. Then a reference has been made again this morning to section 51 of the Government of India Act, 1935. The actual words are "provided that the salary of a minister shall not be varied during his term of office". I draw the attention of this hon'ble House to the use of the singular number "a minister and his term of office", and I submit that the intention of this proviso is to safeguard the rights of a particular minister, the intention being that if a minister accepts office at a time when the salary applicable to that office is Rs. 3,000 a month, during his term of office his personal salary cannot be altered. It is in fact upholding the principle of the sanctity of contract. It is a matter of common knowledge that if a gentleman is engaged under a term of contract on a salary of Rs. 1,000 a month, his employer cannot arbitrarily say in the second year that you have to receive only Rs. 150. The employee is entitled to say that by virtue of his contract he is entitled to get Rs. 1,000 a month. It is admitted that when a minister is appointed, he does not enter into any such contract, but he is certainly entitled to draw salary at a fixed rate. This has been provided for in the statute, and it is there provided as a safeguard that during his particular term of office, his remuneration cannot be altered.

Khan Bahadur M. ABDUL KARIM: It seems to me that the course of discussion on this bill in this House should take a definite channel. This is a bill which could not possibly have been introduced by us in this House. It comes up before us for revision. In other words, we have to exercise a revisional jurisdiction, not an original, in this matter. Sir, it is a well-known principle followed in all revisional proceedings that unless the decision of the Lower House appears to be perverse on the face of it, it is not usual for the revisional House to interfere with their discretion and, I should say, their privilege. I say, their privilege because as a House of representatives, they are the custodians of the people's money. They are the people who are solely authorised to impose taxation, and it is in view of their own financial position, as placed before them by the Finance Minister, that they have to regulate their own decisions. Now, Sir, it appears to me, as I have said, that we have to see whether the provisions of the bill are so revolting to intelligence or so militate against the principles of decency or other considerations that we should interfere. In that view of the case only I support it. I would ask the House not to think for a moment that because we are members of the Coalition group, and there is that Coalition Ministry—we are going to support the bill as presented by the Government—I mean the Coalition Government. We are strong enough and we have courage enough to throw the Coalition Government out, if an occasion will arise for a thing like that. As

a matter of sound principle, so far as I am concerned,—I do not know what my party will do, because I give them individual freedom in the matter and do not like to bind them—the salaries, at least the salary given to the Chief Minister—far from being extravagant, seems to me to be rather inadequate; but I do not propose to move any amendment because I wish to support the sum as fixed by the Lower House. As regards the other ministers, I do not think that this is either inadequate or extravagant. On the whole I support the bill, as presented, with only this regret that the salary of the Chief Minister could not be raised to the highest limit of salaries allowed to the officers of the provincial Government next under His Excellency the Governor. I cannot myself contemplate with equanimity that the Director of Public Instruction, who is the head of the Education Department under the Chief Minister, should be getting an equal amount, viz., Rs. 3,000 a month; nor can I contemplate with equanimity that the Surgeon-General, who is the head of a department under a minister, should be getting more than the minister himself. Speaking, Sir, as an Indian legislator under the new constitution, I think, we look small before the world. Sir, idolatry is a common practice all over the world except in the Islamic world. But Islam, too, has in Bengal given up the worship of principle and has reverted back to idolatry. Now, what is Kingship, and what is Governorship? These are all more or less forms of idolatry. One common idea permeates the whole world. Why do we pay homage to the King and to the Governor? And what is all this attendant grandeur and pomp but a form of idolatry? Sometimes motions are brought before the legislature in regard to the Governor's household expenditure—such as twenty-four *sowars*, band and bodyguard, etc.

The Hon'ble Mr. NALINI RANJAN SARKER: The hon'ble member cannot discuss the Governor's household expenses.

Khan Bahadur M. ABDUL KARIM: I am going into that simply by way of illustration, and I say that all these are forms of idolatry. You might as well say that the Governor or the King should go about in plain clothes, but that is not permissible.

A member: The Hon'ble the Finance Minister is himself in plain clothes.

Khan Bahadur M. ABDUL KARIM: For that will not keep the imagination and the fancy of the people alive, it will not make them feel proud of their own position. And that is why allowances are given to them for the maintenance of their dignity. Sir, I am proud of myself, and a man who is not proud of himself, is not fit to live. We do not want to live the life of a nigger. It seems to me, Sir, that, so far as the highest offices under the Crown are concerned, we should

not try to reduce the salaries to an abominable figure which will make their recipients look small before the world and make us look smaller still. Now, Sir, before I proceed to discuss the various amendments that have been tabled, it seems to me that the only amendment which should require our serious attention, is the amendment of the Maharaja of Santosh. I shall have occasion in future to refer to this matter, viz., to the cold shade of neglect into which this House has been thrown in connection with the bills that will come hereafter. I do not wish to waste much of our time, but I fully endorse the principle laid down, and in the assertion of our privileges I am entirely in sympathy with the spirit underlying that amendment, but in view of the fact that I am a full supporter of the bill as introduced in this House, I am unable to support the letter of that amendment.

I should be very sorry, Sir, to take upon myself the responsibility of an attempted reply to the amendment proposed by the Congress group. Their amendment puts me in mind of one incident that happened in the year 1929, when I appeared before the Simon Commission on behalf of the Bengal Muhammadans. Mr. Fazl-ul Huq, the present Chief Minister, was a member of the Provincial Committee which sat to advise the Statutory Commission from England. One day it so happened that he could not attend the meeting before lunch, as he was engaged in some important case in the High Court and he came just at the time we were leaving the consultation chamber. Sir John Simon smiling seized Mr. Huq by the hand and said: "Mr. Fazl-ul Huq, we have come here seven thousand miles away from England to work for the benefit of your country, but how is it that you could not make time to see us and you were earning your fees?" The immediate retort given by Mr. Fazl-ul Huq was: "Sir, if you have done so, you have ample compensation for that. We are all poor people earning our living in India, but you will have your full compensation, when future history will record your name in perpetuity as the maker of the destiny of the Indian nation." My reply to that amendment, Sir, would be similar to the reply given by Mr. Fazl-ul Huq. Well, if the Congress ministers accept Rs. 500 as their pay, do they not find ample compensation in the fact that almost every morning they see their names in print in all the newspapers? Indeed we are all eager to see our names in print even if it is necessary to undergo some difficulties therefor. That is compensation enough. It is compensation that their names will appear in History—this is more than ample compensation for the low salary that they are prepared or disposed to take.

Dr. RADHA KUMUD MOOKERJI: Follow them.

Khan Bahadur M. ABDUL KARIM: That is the only reply that I would give, and I do not want to say anything more as it might embitter the feelings of the two communities.

Dr. RADHA KUMUD MOOKERJI: Sir, I have absolutely no doubt in my own mind as regards the fate of the Congress amendment which has been moved here, and yet I owe it to myself, to my party, and also to the great organization which I have the honour to represent here in this Council, to give to this amendment all the support that I can and with the utmost enthusiasm and emphasis of which I am capable. Sir, I am not dense enough to expect that the present Government of Bengal will commit the heinous crime that has been already committed by as many as seven other provinces of India in fixing a standard of salary for their ministries, which the Government of Bengal in its superior wisdom and larger patriotism is disposed to consider as ludicrous and absurd. Never had Bengal, the home of freedom and the harbinger of progress, sunk so low in Indian public life. Time was when the late Mr. Gopal Krishna Gokhale used to declare from every platform: "What Bengal thinks to-day, the rest of India will think to-morrow." But, Sir, the days of her glory are now over. Bengal is now lagging behind and losing to the rest of India in every sphere of national life, whether it be administration or be it the public services,—even in spheres of life that are economic and cultural and, most, in the sphere of politics, which was Bengal's strongest point.

Mr. NAZIRUDDIN AHMAD: We have lost it long ago.

Dr. RADHA KUMUD MOOKERJI: She has lost for ever, I am afraid, her old primacy in Indian thought and life. And add to this that, despoiled of her riches by an inequitable federal finance, Bengal stands to-day as the poorest of the Indian provinces, although intrinsically she is the richest. That is the situation which we have to face to-day. And now she is called upon to groan under the burden of excessive overhead charges of a top-heavy administration.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Eighty per cent. of the total revenue is consumed by these overhead charges.

Dr. RADHA KUMUD MOOKERJI: Major provinces like Bombay and Madras can get on with only six or seven ministers, but Bengal must have a ministerial team of eleven.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: But Madras has as many as ten Ministers.

Dr. RADHA KUMUD MOOKERJI: I am sorry, I should have said Bombay and the United Provinces. As I was saying, Sir, Bengal must have a ministerial team of eleven—a truly sporting team which is out to play with government and administration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Quite so; they are playing the game.

Dr. RADHA KUMUD MOOKERJI: Not playing the game, but playing with administration.

The Hon'ble Mr. NALINI RANJAN SARKER: Not only are they playing the game, but they will give you goals also.

Dr. RADHA KUMUD MOOKERJI: And, Sir, if each of these Ministers is to get nearly five times the salary of the forlorn Ministers of major provinces like Bombay, Madras—I hope I can now refer to Madras as well—and the United Provinces—Heaven save Bengal!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Wait and see.

Dr. RADHA KUMUD MOOKERJI: The Government think that the Congress has run mad in pursuit of its visionary schemes in fixing a ridiculously low salary for the ministers, but, Sir, I must remind the government that there is a method in their madness (Ironical cheers from the Treasury Bench), which will prove that its own madness is of a different kind. The madness of its ministers is their madness in the pursuit of power and pelf. It must not think that the Congress has fixed this salary by a mere whim or caprice. It is not merely to apply the ascetic ideal to administration or to spiritualize politics. It is to establish the principle that a minister must take to his job not as an opportunity for personal profiteering. The Congress stands for the abolition of profiteering in all spheres of life in the interests of the down-trodden masses. (Hear, hear.) The Congress view is that ministership is not a sphere of profiteering but a sphere of social service—an opportunity for serving the people. (Hear, hear.)

A member: What about the Calcutta Corporation where the Congress is predominant?

Dr. RADHA KUMUD MOOKERJI: And I must go a little further. The Congress principle of fixing the salaries of ministers is that they should bear some relation, firstly, to the revenue of the province to be administered by the ministers, and, secondly, to the average income of the citizens they are called upon to govern.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is the average income of a man in Bengal Rs. 500?

Dr. RADHA KUMUD MOOKERJI: In this connection, Sir, I would only quote a few figures to show the absurdity of the scale of

salaries fixed for the Ministers in Bengal. The revenue of Great Britain—I am not excluding Scotland here because I want revenue—the revenue of entire Great Britain is about 1,260 crores of rupees per annum. The enhanced salary of the British Prime Minister is now about £10,000, out of which the poor Prime Minister has to pay an income-tax of £3,500, and that leaves his net salary to be only about £5,000 or £6,000, or about Rs. 70,000 to Rs. 80,000. As against this picture—you must go the whole hog with me for a time—please consider what we are doing in India. Please consider that the Government of India have a revenue of only 122 crores, i.e., less than one-tenth of Great Britain's revenue, and India has to maintain a Governor General, and at what cost—at a total cost of £130,000, with allowances, which is a vast sum of about 2 crores of rupees. India has to find this huge sum for the maintenance of the Viceroy and Governor General. As against the British Cabinet Minister's salary of £5,000 a year, the Members of the Governor General's Council get about £6,000 each for administering only about one-tenth of the revenue of Great Britain. And their Secretaries get £4,000.

The Hon'ble Mr. NALINI RANJAN SARKER: On a point of order, Sir. Is such officers' salary under discussion here?

Dr. RADHA KUMUD MOOKERJI: I am placing these figures for purposes of comparison so that the whole question may be seen in its proper perspective. Please do not glibly talk about these very material points. The amount of revenue administered is the main point to be considered. We should not take a leap in the dark.

The Hon'ble Mr. H. S. SUHRAWARDY: India is not in the dark.

Dr. RADHA KUMUD MOOKERJI: The total revenue of India from all the provinces put together amounts to Rs. 92 crores. I want to find out the wherewithal of your salaries. The total revenue of both the Centre and the Provinces comes to only one-sixth of the total revenue of Great Britain. But each Member of the Viceroy's Council gets more than what a Cabinet Minister draws in England, while the Government of Bengal are outdoing the extravagance even at the centre.

Some of us have a great fascination for the democratic ideals of the Irish Free State.

The Hon'ble Mr. H. S. SUHRAWARDY: Not we.

Dr. RADHA KUMUD MOOKERJI: Most of us including some of you. You quote the Irish Free State as an example.

The Irish Free State has a revenue of about 46 crores. Even a small island commands a revenue much higher than that of the entire province of Bengal but the Irish Free State can only afford to pay to its Prime Minister a salary of £1,500 (about Rs. 21,000 annually) or Rs. 1,700 monthly. Japan which has a revenue of Rs. 150 crores——

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, yes, refer to Japan with a gusto.

Dr. RADHA KUMUD MOOKERJI: Our Indian Keir Hardy over there, says, 'refer to Japan with a gusto.'

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I have got a paper with me which says that Japan pays £10,000 to her Prime Minister.

Dr. RADHA KUMUD MOOKERJI: The labour member was very careful in suppressing the figure of Japan's revenue. I do not intentionally look to the East. I look towards the West as a source of inspiration and I should think that in this modern age India should not be below the Irish Free State in this matter. These statistics, facts and figures, should speak for themselves. The Ministers of Bengal must realise that they have inflicted the gravest injustice upon the province of Bengal by adding to the overhead charges at this critical moment in Bengal's history when Bengal has been despoiled of her intrinsic wealth by federal finance over which we have no control. Is this the occasion to make an increment to the salary which was granted by the Governor for the interim period? Will the Government of Bengal allow the other provinces to outstrip this province in this matter too, a matter ultimately of patriotism and public spirit? Well, as I said, they must pause to consider on what principle the salaries of public servants should be fixed and I have given them adequate examples to show in what way equitably this matter can be arranged.

The Hon'ble Mr. H. S. SUHRAWARDY: There are fifty-two ministers in England.

Dr. RADHA KUMUD MOOKERJI: Yes, with a revenue of Rs. 1,250 crores.

Mr. RANAJIT PAL CHOUDHURY: In all the provinces taken together there will be more than 52 ministers in India.

Dr. RADHA KUMUD MOOKERJI: Thus the Government of Bengal are guilty of several offences. First of all, not merely have

they added to the salaries granted originally by the Governor in the exercise of his special prerogative, but they have also added to the number of ministers. So both in point of——.

The Hon'ble Mr. NALINI RANJAN SARKER: Did we appoint?

A member: Appointments were made on your advice.

Dr. RADHA KUMUD MOOKERJI: Because you said yourself that you are the Governor of Bengal. As you say that I must hold you responsible for the appointments.

First, they have added to the number of ministers beyond expectation and no other province has committed this blunder. And, secondly, not merely is it a quantitative atrocity. They are also qualitatively guilty because they have increased the salary of every individual minister. They have committed another great offence against the constitution by absolutely ignoring the Upper House as if it has no part in the administration of the province, although it has been given a part in the legislation. So I hope that common sense will return to this Government, and that the Council will enthusiastically pass the measure of economy which is no longer to be treated as an abstract ideal but is already in effective operation in the day to day administration of no less than seven provinces controlling between them the destinies of seventy-five per cent. of the population of India. My facts are more eloquent than any argument employed in this House.

The Hon'ble Mr. H. S. SUHRAWARDY: Will the hon'ble member be satisfied if some more ministers are appointed from the Upper House?

Dr. RADHA KUMUD MOOKERJI: Certainly not. When such a constitutional point of view is raised it is the practice in other countries to make readjustment and re-shuffling of portfolios and for the fertile brains of the Ministers of Bengal, I believe, it is not impossible to make such a shuffling feasible.

The Hon'ble Mr. H. S. SUHRAWARDY: Will you be satisfied, if we reduce the number?

Mr. KADER BAKSH: Sir, before I either oppose or support the motions that are before the House, I should like to say a few words regarding the complaint made by the Maharaja of Santosh that no minister has been taken from this House and that this House has been totally ignored thereby. It is true that this House has been ignored. But the responsibility lies with the Maharaja himself. With all the influence that he has on the Government and the Governor himself, he

ought to have been able to induce the Government to take one minister from this House. We hope very much from him. He holds an eminent position and it is a pity that with all his ability and intelligence he has not been able to keep up the dignity of the House. This is our complaint against him.

Now, Sir, with regard to the amendment which he has moved. I would say that he has not given any suggestion as to what will be done with the remaining two ministers. The motion does not commend itself to us because he has not given any practical suggestion as to what should be done with regard to the work of the remaining two ministers if only nine ministers are fixed by the decision of this House.

With regard to the resolution of Mr. Humayun Kabir, I might say, and say it deliberately, that it does not deserve any consideration, because he has put a total salary of Rs. 2,500 including sumptuary and other allowances and there is no appreciable difference between this and the salaries proposed in the bill. The bill proposes a salary of Rs. 3,000 for the Chief Minister and Rs. 2,500 for the other ministers. Will it solve the question of unemployment or the great problem of peasantry of Bengal if the small curtailment, suggested by Mr. Humayun Kabir, is made? I submit, Sir, that his cut motion is moved with a view to censuring the Ministry—a sort of no-confidence.

So far as the motion of the Congress group is concerned, it is, I submit, a motion of destruction.

Several members: Certainly not; it is constructive.

Mr. KADER BAKSH: I am not here to advocate the cause of big salaries for the ministers. I know the condition of the people of the province—I know it much better than any people on the other side of the House.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Can the hon'ble member refer to the members on this side of the House as "people"?

Mr. PRESIDENT: Mr. Kader Baksh, you should address the members of this House as "hon'ble members".

Mr. KADER BAKSH: I beg your pardon, Sir. I say Mr. Kamini Kumar Dutta and Mr. Lalit Chandra Das should first try to curtail their huge amount of fees which they draw and which they do not deserve.

Mr. LALIT CHANDRA DAS: On a point of order again, Sir. Is he entitled to refer to us in this way?

Mr. PRESIDENT: Please do not refer to personal matters.

Mr. KADER BAKSH: If they are at all anxious for the peasantry of Bengal who do not get two square meals a day, they ought to give some portion of their income which they get from their profession towards the amelioration of the condition of the people before they suggest any cut in the salaries of the ministers. I am of opinion that there should be a cut first in the high fees that are demanded in the various professions—legal, medical and others.

Has any cut been made in the pay of the Congress officials of the Corporation?

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of order Sir. Is the hon'ble member entitled to bring in Corporation here in this debate?

Several members: Yes, of course, for comparison.

Mr. PRESIDENT: What is your point of order?

Mr. SHRISH CHANDRA CHAKRAVERTI: Is he entitled to mention names of the members in citing examples?

Mr. PRESIDENT: I have asked him not to do so.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca Sir, one of my friends on the other side referred to the Nawab Bahadur of Dacca and Mr. Nalini Ranjan Sarker as drawing huge allowance and huge grants and so on.

Mr. KADER BAKSH: If my friends on the other side refer to Japan and England for the sake of comparison, am I not entitled to refer to what is happening nearer home and compare the big salaries and fees drawn by the Congress people?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, again he is referring to us as "people".

Mr. KADER BAKSH: Sir, the hon'ble members here, at least most of them, speak about the conditions of the people in the interior and they drew attention of the Hon'ble Ministers to the salaries they ought to receive and asked them to do their work like honorary magistrates without being paid. Sir, Mr. Sanyal was talking about the condition of the peasantry. I ask him if he has cut down his luxuries and has done anything for the peasantry of Bengal. Has there been any decrease in the number of Rolls Royce cars in Bengal? The

have done absolutely nothing. Because I live in the interior and I am a peasant myself, I know the conditions of the peasantry very much. Never have I heard of any *zemindar* doing any good for the people. When the proposal was made for doing away with twenty per cent. of the *salami*, a very loud cry was raised on behalf of the *zemindars*.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Is the hon'ble member permitted to refer to a bill which is still under consideration in the Lower House? Is that relevant to the question under review?

Mr. PRESIDENT: Mr. Kader Baksh will not be in order to anticipate any bill that is coming before the House. You are speaking about the Ministers' salary bill.

Mr. KADER BAKSH: Sir, I am not going to discuss the merits or demerits of the case. I am only speaking of the atmosphere prevailing in the country. That is the only point. With these few words I support the bill because I think nobody is prepared to give up his luxuries.

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. We have a very great grievance to place before you. The grievance is that a member is going on showering his choicest compliments upon his friends on this side of the House but whenever he is called to order, he simply makes amends "I apologise" and so on. This is not sufficient because an abuse has its full force and the apology comes too late and he is repeating it all through.

Mr. PRESIDENT: Dr. Mookerji, you will not be in order to say that the hon'ble member does not mean what he says. You must take the statement of an hon'ble member as an expression of his honest opinion.

Mr. SACHINDRA NARAYAN SANYAL: As my friend Mr. Kader Baksh wanted to know what I have done in the matter of curtailing my luxury, I say before the House that I used to spend Rs. 5,000 a month whereas I do not spend more than Rs. 1,000 a month now.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I think I should try my level best and throw a little oil over this troubled sea and try to show that the Government is not wrong in what it has done. First, I think my friend the Maharaja of Santosh is the person with whom I should deal. My friend who knows the Government of India Act, 1935, thoroughly well and already administered it for several years, now comes forward with a proposal which is absolutely out of all reckoning and which should not have been brought

forward by him. If it were brought by others, I would not have minded much. He ought to know that as regards the appointment of ministers and as to the number that should be fixed this is the prerogative of the Governor and if the Governor chooses any man to be his minister, he is so chosen. Neither this House nor the Lower House has been given any power of electing ministers of Government. If the right had come to this House or to the Lower House, we would have welcomed it but unfortunately the country has not got that right now. So the right is the right of the Governor and you have no right to say that the Governor is wrong. You cannot question his power, you cannot question his prerogative. If you do so, the President will be the first person to call you out of order.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On a point of order, Sir, I am afraid the Hon'ble Minister is treading on dangerous grounds. He is ascribing motives to me which are far from my mind.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I am sorry, I never meant that nor will I come to that point. I will not go so far. I will leave the House to conclude. Knowing full well that neither this House nor the Lower House has been given power to elect ministers if he comes forward here with a proposal that this House should send some ministers, I ask if it is right, or if it is according to the constitution under which he has come here and taken his seat. The Government of India Act, 1935, expressly provides that you will not have the power of electing ministers. The Act expressly says that this is the prerogative of the Governor himself. You or none of us will have the right to say that prerogative will be taken away. That being the position, if a man of the position of Sir Manmatha Nath comes forward with a proposal that this House is of opinion like this or it should be done in that way, it is against the very constitution which has brought him here.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I know, Sir, if the Hon'ble Minister is speaking with the concurrence of his colleagues or he is speaking merely on behalf of his ownself?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I may read out that salient portion of the Government of India Act, 1935, which will give a true idea of how the ministers are to be appointed. Section 51 of the Act provides that the Governor's ministers shall be chosen and summoned by him. So the choice and summoning of a minister is in the hands of the Governor. If the Governor in exercise of the prerogative that has been given to him by this section of the Act, chooses the ministers and says that the number of ministers

should be so much, how can this House say that the number of ministers should be nine and one of them should be included in it. I think I have answered my hon'ble friend sufficiently and I should say that it is absolutely out of order in bringing a motion like this. I would not have spoken in this strain with any other member of this House. Maharaja of Santosh has worked the Government of India Act sufficiently long and he knows perfectly well that the number of ministers is to be fixed by the Governor and not by this House. If he now says that nine ministers should be appointed and two appointed by this House and the salary should be so much, I believe he is not correct, he is not right and it infringes the provisions of the Government of India Act, 1935, as to the principle.

Mr. PRESIDENT: Order, order. I think you cannot question the ruling of the Chair saying that this amendment is not in order. You must take it as correct.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I bow down to your ruling, Sir. Am I not permitted to say this much that so far as the motion of the Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh is concerned, it is not based on the Government of India Act, 1935, I think I can say this much that so far as this proposal is concerned, it militates against the spirit of the wording of the Act.

Mr. PRESIDENT: If you read the amendment of the hon'ble mover, you will find he suggests that the establishment and other allowances should be so much if the number is more than nine; he does not specifically say that the number should be fixed at that figure. I think you have missed the import of his amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Then it becomes a hypothetical question.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: On that point I do not like to make any further statement.

Mr. E. C. ORMOND: On a point of order, Sir. It seems that the debate has now developed into a duel of words which can be settled with equal benefit outside the House between the Hon'ble Judicial Minister and the Maharaja.

I beg therefore to move that the question be now put.

Mr. PRESIDENT: There is no bar to accepting a motion of closure in the midst of a speech, but I do not like to encourage a precedent like this, at this stage.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I see my friends are tired and I won't keep them any longer away from their lunch. Lot of things have been spoken in this House which should be answered by the Treasury Bench. It has been said that the number of ministers is unwieldy and there is some difficulty of working it; but here in this unfortunate country, as India is, whenever any matter comes up, people begin to think of communal claims. So naturally as soon as the question of the ministry came up, we are so minded that we thought that our Hindu countrymen should have a sufficient number of ministers in the Cabinet. So here we at once came to the conclusion that the ratio should be 6 to 5. Bombay, Madras and United Provinces have most foolishly——

Dr. RADHA KUMUD MOOKERJI: Is this expression parliamentary?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I withdraw that word, Sir. Don't you think it was absolutely silly——

Several members: That is also unparliamentary.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Well, we consider that the appointment of only one minister in Madras from among the Moslem community is an insult to that community and exactly the same thing we can speak of Bombay.

Mr. RANAJIT PAL CHOUDHURY: On a point of order, Sir. Is the Hon'ble Minister in order when he brings up such communal questions?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I submit, Sir, that we thought over all these affairs most carefully to see that everyone gets justice from Government, so that is the reason why you have got eleven ministers, otherwise probably there would have been nine—six Muhammadans and three Hindus. So I say, taking all the facts into consideration, His Excellency the Governor was right in fixing the number of the ministers at eleven.

Mr. PRESIDENT: The question is that the question be now put.

The motion was then put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am sorry that the debate has taken this turn. At the outset I want to clear one issue. Some of the hon'ble members have said that the number of ministers appointed in this province is unweildy. It has been stated in justification that under the Act the ministers are appointed by His

Excellency the Governor. We do not want to absolve ourselves from the responsibility of having the number of ministers fixed at eleven. There are various considerations for which this number had to be fixed, and we accept the responsibility of advising His Excellency the Governor in the manner we did, for very good reasons and for various considerations which are absolutely essential in the interests of good administration of this province. In this connection, I want to make it clear that it would have been very good and very helpful in the interests of efficiency in the conduct of the business of this House if one member of this Council could have been taken into the Ministry. but the fact remains that it is too late now to attempt at a solution. But I can assure this House on behalf of Government that no disrespect is meant to this House because we have not taken a minister from this House. It was done merely on the party basis. Even if a minister had been taken from this House, I do not think that Professor Mukherji's party would have had any chance.

Several members from the Congress benches: We did not want it.

The Hon'ble Mr. NALINI RANJAN SARKER: Please let me finish. As I was saying, the appointment of Ministers was made on a party basis.

Sir, so far as the business of this House is concerned, we assure the hon'ble members of this House that we shall try our level best to accommodate or to be helpful to the hon'ble members of this House in the discharge of their duties. Now, Sir, so far as the criticisms against the bill are concerned, it has been mainly directed from two angles. The first is an idealistic standard—and it is argued that as the vast masses of the population are in a very miserable condition, the Ministers being the representatives of the people should take a very low salary and they must be wedded to an ideal of simplicity. The next is the question of economy; because there is so much deficiency in our social order, we must make available as much money as is possible for the amelioration of the condition of the masses. These are the two angles from which the provisions of the bill have been mainly attacked. Sir, I have every admiration for those who believe and who are prepared to follow the rigid code of simplicity in their daily life. I should like also to stress the fact that I greatly admire the motive which has prompted some of the Ministers in other provinces, whose names have been mentioned in this House, to take a very low salary and in this connection the name of Mr. Rajagopalachariar has been particularly mentioned. I feel, Sir, that his sacred name ought not to have been so lightly mentioned. In this province if you wish to emulate his example, I think, as Mr. Chakraverti had told us yesterday, charity must begin at home. Have you got a

leader of the Congress like Mr. Rajagopalachariar here? Mr. Rajagopalachariar was a very able lawer commanding a very lucrative practice; but he gave up his practice in 1921 when he joined the non-co-operation movement and since then he has devoted himself body and soul to the freedom movement and the constructive work of this country. I want to ask, not in a spirit of disrespect to the leader of the Congress party here, if there is any one among them who have the honour and privilege of belonging to the great political organisation of this country—even amongst the leaders not to speak of followers—who can emulate the example of Mr. Rajagopalachariar?

Dr. RADHA KUMUD MOOKHERJI: What about the great Bengalee leader Mr. Subhas Chandra Bose?

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Subhas Chandra Bose is not in this House nor in the other House, and Mr. Rajagopalachariar is the Prime Minister in Madras. And who among you is like Mr. Subhas Chandra Bose? In the circumstances I am very sorry that the name of Mr. Rajagopalachariar should so lightly be mentioned in this House.

Sir, in this context, I would like to mention the name of Dr. Rajan who is the Minister of Public Health in Madras. He has been appointed from the Upper House. He contested the election but he was defeated by the candidate who was put up by Mr. Rajagopalachariar as he openly violated the Congress mandate; but when Mr. Rajagopalachariar came to power he got Dr. Rajan nominated to the Upper House in order to make him a Minister. Why did Mr. Rajagopalachariar do so? He did so because he found that Dr. Rajan was not only necessary for constructive work but also for strengthening the party.

Mr. LALIT CHANDRA DAS: He signed the Congress creed.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not think that Mr. Das's interruption will change the tenor of my argument. But can my friends show any instance here where their leaders have risen above personal motives in this way to make sacrifices, solely actuated by considerations of the interests of the country forgetting all personal quarrels? (Questioned.)

Mr. SHRISCHANDRA CHAKRAVERTI: Sir, may I rise on a point of order? Is the Hon'ble Finance Minister entitled to cast aspersions on the Congress leaders of this Province?

Mr. PRESIDENT: Mr. Chakraverti, at the third reading of the bill, you can speak.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, my point is that the Congress is the greatest organisation before whom I bow down my head but I am not prepared to bow down to the Congress leaders of Bengal, because in my judgment they are unworthy. I am a worshipper of the Goddess Kali, but I am not prepared to worship the Haldars of Kalighat. No one can deny that there are great differences in the standards of living between the classes and the masses. Those who choose to carry on the task of the administration of a country of the size of the United Kingdom on salaries which are not sufficient, which even a University Professor and a junior officer of a commercial firm are in receipt of, certainly deserve our admiration and regard. But the rigorous ideal which such gentlemen follow is an example for others. It is not however by an amendment of the provisions of the Act that these self-denying ordinances have been imposed on Mr. Rajagopalachariar, Mr. Gobinda Ballav Pant, and Mr. Kher. In the society as it is constituted to-day, it can hardly be expected that we can all on a sudden change the standard of value to which we have been accustomed in the material world of to-day. It cannot be denied that money still constitutes the chief motif in our life and daily conduct. Under the prevailing scheme of things a capable barrister has his price. A learned professor is costly to procure and an eminent physician must have his good fees, but should the art of Government be relegated to such an unimportant position that the ministers should live on a pittance only. In a land where you have Rs. 15,000 barristers, Rs. 10,000 merchants, Rs. 1,500 professors and even solicitors who will charge Rs. 3 for attending each call on the telephone: I think Rs. 2,500 to a minister is not an anomaly. I shall go further and say that our present social standard requires that our salaries should not be less than what have been provided for in the bill. It will take a long time for Mr. Lalit Chandra Das to understand the economic implications of salaries of merchants, doctors, barristers and others and their inter-connections in the social structure. I beg to submit that we have considerably reduced our salaries from the previous rates. It has been reduced by slightly more than half. We confess however that we have not yet been able to achieve the outlook of missionary ministers. If we intend to alter our ways of life to conform to the general condition of the masses, I am afraid, hardly anything here is in conformity with that standard, for it is hardly in keeping with those conditions to hold our meetings in this palatial building. A simple canopy in an uncovered field is perhaps in strict conformity with the condition of the masses. The bedecked upholstered cushion chair would also be entirely out of place and we should instead have to squat on mats on the floor. The very dress which many of us, particularly some of my friends on the opposite, wear, should, I think, have to be changed for loin cloth with bare feet. We should have come to this House from thatched cottages which must be the

kind of dwelling in conformity with the conditions prevailing with our masses. But let us not forget the reality of the situation.

Dr. RADHA KUMUD MOOKHERJI: Begin from the top.

The Hon'ble Mr. NALINI RANJAN SARKER: Dr. Mookherji interrupts me and says let us begin from the top. I will try to begin from the top at least in one section of the structure of our society—I mean the sphere of education. I can say to Dr. Mookherji that Mr. Gokhale took only Rs. 75——

Dr. RADHA KUMUD MOOKHERJI: May I say, Sir, that I did the same thing for 10 years in the Bengal National College?

The Hon'ble Mr. NALINI RANJAN SARKER: Dr. Paranjpe used to earn Rs. 75 while I know there are many professors of the Universities of Calcutta and Lucknow who are earning much more than Rs. 75 and much more than what is offered to the Ministers of this Province.

Mr. Lalit Chandra Das has said that we do not want to emulate the examples of England and other foreign countries. Quite so, Sir I do not want, as Dr. Mookherji has done, to analyse the position of the whole world but I say that when it affects our respective provinces and our respective interests we generally not only compare but fight for British things. I can quote one instance in which Mr. Lalit Chandra Das will be interested, viz., the fees taken by lawyers. As you know Sir, one G. M. is taken as Rs. 17 in paying fees to barristers, and at Rs. 16 for paying vakils. We know for how long and how vehemently the barristers and the vakils fought for these 16 and 17 rupee G. Ms. only to conform with the ideal and practices of the British courts. Mr. Das has also said that after meeting all the provincial demands the ministers should get something out of what is left. I wish that my hon'ble friend had also conformed to this practice when a client came to him, and fixed his fee after considering his client's financial position. After all, do not expect anything from others which you yourself cannot do. What is your usual conduct in life? So far as the Congress is concerned, so far as the Bengal Congress even is concerned, I know there are exceptions because I know there are leaders who will always sacrifice everything. What I ask is to expect us to do what you can do. The Congress leaders in Bengal always say that the Ministers are the agents of the British Imperialism and that they want to crush that British Imperialism. But everyday they go to the High Courts—an essential part of the mechanism of British Imperialism.

Mr. LALIT CHANDRA DAS: But, Sir, none of the speakers has referred to the conduct of the Congress leaders of Bengal. Is the Hon'ble Minister relevant? As to the conduct of——

Mr. PRESIDENT: You must put your point precisely and not make a speech. I remember a point was raised about the Congress ministers in other provinces and I think the Hon'ble Minister is answering that point.

The Hon'ble Mr. NALINI RANJAN SARKER: Everyone knows that from the Bengal Congress high command it has been said that for the solution of the unemployment problem you must abolish capitalism. Here we find some of the Congress leaders amassing capital for the six days of the week and preaching abolition of capitalism on Sundays. I want them to face this fact. For our part we do not want to say things which we cannot do ourselves, because as Ministers we have got a responsibility. What we say, we must act up to. That is why we are unpopular and we do not get publicity.

As regards the question of economy, it has been argued that the Ministers should take small salaries and thereby release more money for the amelioration of the conditions of the masses. If we felt that by accepting a very low salary we could substantially help to remove the poverty of the masses, I submit that we, the much-condemned Ministers are not so dead to noble instincts that we should not be able to make any sacrifice for that purpose. But we find that by such sacrifices the various problems of the masses cannot be solved. Surely no one suggests that by reducing our salary from Rs. 2,500 to Rs. 2,000 as proposed by the Maharaja of Santosh or to Rs. 1,500 as proposed by my friend Mr. Humayun Kabir or even to Rs. 750 proposed by Mr. Chakraverti or to Rs. 500, which is the Congress ideal, we could make a slight improvement in the condition of the people. But if that were so, certainly we would have accepted that. But in all humility I can say that a Rs. 2,500 minister can attempt to do as much good to his countrymen as his Rs. 500 confreres in other Provinces. It is absurd to contend that in the mere fact of our accepting a decent salary lies hidden all the ills of our body politic, and that the education of the masses, improvement of the sanitary conditions of the villages and measures of economic improvement of the people be hindered or delayed by our taking Rs. 2,500 instead of Rs. 1,500 a month as suggested by Mr. Humayun Kabir. If that were so, certainly we should have accepted that. Those who put forward such suggestions are not imbued with the sense of gravity of our problems. Even if the whole Cabinet had taken no remuneration, our problems would remain as serious as before, and it would be fatuous to believe that, Rs. 500 ministers alone could devise a way out, no matter how carefully and anxiously ministers

elsewhere tried to handle the problems. Taking all these things into consideration, Sir, a salary of Rs. 2,500 seems to be quite appropriate under the prevailing conditions.

Then, Sir, I shall turn to the amendment of the Maharaja of Santosh. Sir, the Maharaja's amendment does not only contemplate a reduction of our salary but there is a bait also that if we can by any means reduce the number of Ministers or if by any chance can pursuade His Excellency the Governor to appoint a minister from the Upper House, we should get a reward of Rs. 500 per month. But when he moved his motion, the Maharaja said that it was in the interests of economy that he moved his amendment. I do not see, Sir that if you calculate properly and carefully, you will find that there will be much economy even under his scheme.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But the pay of the two ministers will be saved, together with the cost of their paraphernalia and tour expenses. On a point of personal explanation, Sir, I shall be guilty of lack of candour if I do not say that I did not bring up my amendment either with the intention of touching the pockets of the Ministers or of hurting their sense of dignity. My object was to emphasize the soundness of a very vital principle, and now as that principle has been vindicated by almost all the leaders of the different groups. including even the Hon'ble Finance Minister on behalf of the Government, I beg leave of the House to withdraw my amendment. (Cheers.)

Mr. PRESIDENT: Is it the desire of the House to permit the Maharaja of Santosh to withdraw his amendment?

The motion of the Maharaja of Santosh, was then, by leave of the House, withdrawn.

Mr. SACHINDRA NARAYAN SANYAL: Sir, may I submit one thing? I would request the Hon'ble Finance Minister that since he accepted some amendments regarding the Bengal Ministers' Salaries Bill, 1937, in the Assembly, would he be kind enough to take up that attitude in this House also or accept a cut voluntarily?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I might point out to the hon'ble member that no amendment was carried in the Assembly, nor did we accept any. There was a provision for allowances, but that was not moved by the Government.

Mr. HUMAYUN KABIR: Am I to understand that my arguments are unanswerable, since they have been left untouched by the Hon'ble the Finance Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: They are not worthy of answer.

The Hon'ble Mr. NALINI RANJAN SARKER: I will deal with your arguments in the course of our next bill.

Mr. PRESIDENT: Order, order. I propose to put the amendment of Mr. Shrish Chandra Chakraverti first, because that amendment puts the salary of the Hon'ble Chief Minister to the lowest figure. I would also make it clear that this is an amendment to clause 2 (*a*) only and that there is no amendment to clause 2 (*b*). If this amendment is carried, the effect will be that the pay of the Chief Minister will be Rs. 750 per mensem, while the salaries of other ministers will be Rs 2,500 per month.

The amendment was put and lost.

Mr. PRESIDENT: This amendment is negatived.

The amendment of Mr. Humayun Kabir was then put and a division taken with the following result—

AYES.

Chakraverti, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mahan.
Mookerjee, Mr. Narsih Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Sanyal, Mr. Sachindra Narayan.

NOES.

Ahamed, Mr. Nur.
Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Banerjea, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury Mr. Khorshed Alam.
Chowdhury, Mr. Rezzaqui Haider.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Esmail, Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mckorrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Nicholl, Mr. C. K.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Chowdhury, Mr. Krishna Chandra.
Sen, Rai Sahib Jatindra Mohan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Sailaswar.
Wilmer, Mr. D. H.

Ayes being 12 and Noes 38, the motion was lost.

The amendment that in clause 2(*b*) for the word "two" the word "one" shall be substituted, was then put and lost.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is that the title and preamble form part of the bill.

Mr. HUMAYUN KABIR: I beg to move that in the long title and in the preamble after the words "the salaries of", the words "the ministers of" be inserted.

This is merely a formal amendment and I hope the Hon'ble Minister will accept it. It is merely a verbal alteration.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not want to accept it because if it is accepted the bill will again have to be referred to the Lower Chamber.

Mr. HUMAYUN KABIR: I beg leave of the House to withdraw my motion.

The motion was then by leave of the House withdrawn.

Mr. PRESIDENT: The question before the House that the title and preamble stand part of the bill.

The motion was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bill as settled in Council be passed.

Dr. RADHA KUMUD MOOKERJI: I rise again to emphatically protest against the passage of this bill. In my opinion this marks one of the darkest days in Bengal's history. I have already stated that Bengal is lagging behind the rest of India in every aspect of national life. Little did we dream that where in the sphere of politics, and even in the sphere of self-sacrifice for the cause of the country, thousands of youths have undergone long and most excruciating sufferings—in Bengal, the home of the freedom movement where the freedom movement of India originated and was brought almost to a triumphant

conclusion,—in this home of freedom, this parody is going to be enacted to-day. All the seven provinces of India controlling the destiny of the seventy-five per cent. of the total population of India have one by one yielded to the enchantment of the Congress. The Congress conquest of India has begun and it has begun from the South as the British domination of India had begun from the South. The Madras Government is presided over by a man of saintly character to whom a worthy reference, I am glad to say, has been made. I cannot say by the Leader of the House as there is no Leader of this House,—but by the Hon'ble Finance Minister who represents the Government of Bengal in this matter here. I must publicly pay my tribute of appreciation to the fine compliment he has paid to the Congress Prime Minister of the Madras Government. I say that the Congress is no longer moving in the sphere of mere ideals. Bengal I think is the home of ideals and she has always been castigated for her want of sense of reality. Now, Sir, it is a great pity that in this home of ideals, the ideals that have been given effect to elsewhere, are not given effect to here. I heard the words absurd and ludicrous being applied to the Congress ideal regarding ministerial salaries. I can only say in reply that that ideal has materialised and has come into operation and has been installed not only in one province but in some of the major provinces of India.

A recent conquest of the Congress is one of the most wonderful achievements. In the North-West Frontier Provinces supposed to be peopled by tribes who are lacking in culture, they have shown a finer spirit and culture, a finer sense of social service and patriotism by agreeing to set up the Congress Government on the same ideal as elsewhere—the ideal which has been described in Bengal as "absurd and ludicrous." My point is, should not Bengal be ready to proclaim to the world that she is not at all lagging behind the rest of India and it is not merely the rest of India, but the major part of India? Should Bengal lag behind even the major part of India? Bengal should give a lead—Bengal that used to lead India—in the matter of politics. Will Bengal's sign, with their hand, have this mark of inferiority written on her brow? What would have mattered if Bengal had chosen to fall into a line with the Congress? What would have happened if the present Government had lined up with the other Congress Governments? So far as the present Ministry is concerned, I think most of the Ministers are quite able to give effect to the Congress ideals at once. The Hon'ble Finance Minister was pleased to refer to the ascetic ways of life of the Madras Prime Minister. But what asceticism cannot achieve, sometimes can, be achieved by other ways.

The financial condition of some of the Bengal Ministers can easily enable them to give effect to the Congress ideals: I do not like to name any individual Minister in this respect. My point is that the Bengal

Ministers should look round and face the grim realities of the situatio You cannot say that the Congress Governments have let themselv loose in this matter. They are acting on a system of scientific pla ning.

I would only conclude by mentioning another point and that is th we always look to the West for lead in the practical sphere of lif What about the Irish Free State of the West? The Irish Free Sta that has an annual revenue of 46 crores of rupees, has fixed a sala of Rs. 1,700 per month for her Prime Minister and Rs. 1,200 for he other Ministers. I once more pray that the present Bengal Govern ment which include some of the well-to-do men of the province shoul not allow themselves to lag behind in this matter. Let them once mor assume leadership which is Bengal's birth right. I hope my voice wi not be a voice crying in the wilderness. Although it is a small voice it is a voice of conscience to which I have the honour to give expression

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 20t September 1937.

Members Present:

The following members were present at the meeting held on the 18th September 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Chowdhury, Mr. Hamidul Huq.
(14) Chowdhury, Mr. Humayun Reza.
(15) Cohen, Mr. D. J.
(16) Das, Mr. Lalit Chandra.
(17) Datta, Mr. Bankim Chandra.
(18) Datta, Mr. Narendra Chandra.
(19) D'Rozario, Mrs. K.
(20) Dutta, Mr. Kamini Kumar.
(21) Ellahi, Mr. S. Fazal.
(22) Esmail, Khwaja Muhammad.
(23) Goswami, Mr. Kanai Lal.
(24) Haider, Nawabzada Kamruddin.
(25) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(26) Hossain, Mr. Latafat.
(27) Huq, Mr. Syed Muhammad Ghaziul.
(28) Ibrahim, Khan Bahadur Maulvi Mohammad.
(29) Kabir, Mr. Humayun.
(30) Karim, Khan Bahadur M. Abdul.
(31) Khan, Khan Bahadur Muhammed Asaf.
(32) Khan, Maulana Muhammad Akram.

(33) Laidlaw, Mr. W. B. G.
(34) Maitra, Rai Bahadur Brojendra Mohan.
(35) McKerrow, Mr. J. A.
(36) Momin, Begum Hamida.
(37) Molla, Khan Sahib Subidali.
(38) Mookerjee, Mr. Naresh Nath.
(39) Mookerji, Dr. Radha Kumud.
(40) Mukherji, Rai Bahadur Satis Chandra.
(41) Nicholl, Mr. C. K.
(42) Ormond, Mr. E. C.
(43) Pal Choudhury, Mr. Ranajit.
(44) Rahman, Khan Bahadur Ataur.
(45) Rahman, Mr. Mukhlesur.
(46) Rashid, Khan Bahadur, Kazi Abdur.
(47) Ray, Mr. Nagendra Narayan.
(48) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh
(49) Roy, Rai Bahadur Radhica Bhusan.
(50) Roy Chowdhury, Mr. Krishna Chandra.
(51) Sanyal, Mr. Sachindra Narayan.
(52) Sarker, Mr. Indu Bhusan.
(53) Sen, Rai Sahib Jatindra Mohan.
(54) Shamsuzzoha, Khan Bahadur, M.
(55) Singh Roy, Mr. Saileswar.
(56) Sinha, Rai Bahadur Surendra Narayan.
(57) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(58) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 18th September 1937:—

(1) Hossain, Mr. Mohamed.

(2) Jan, Khan Bahadur Shaikh Muhammad.

(3) Lamb, Mr. T.

(4) Poddar, Mr. H. P.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 18th September 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 20th September, 1937, at 2-15 p.m., being the eighth day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-five members and ten Ministers were present.

QUESTIONS AND ANSWERS

Kurulia Khal.

77. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether there is a *khal* known as Kurulia *Khal* in the Brahmanbaria side of the district of Tippera?

(*b*) If so, what is its present name?

(*c*) What is the reason for the change of its name?

(*d*) Is it a fact that its excavation was undertaken by Mr. N. M. Khan, I.C.S., as a part of village uplift work?

(*e*) Is it a fact that all classes of people were made to excavate earth thereon by Mr. N. M. Khan?

(*f*) If so, were most of them made to work gratis?

(*g*) Is it a fact that some who did not agree to work, were insulted, and some of them prosecuted in the criminal courts at Brahmanbaria subdivision of which he was the Subdivisional Officer?

(*h*) Is it a fact that this *khal* after its excavation was opened at the request of Mr. N. M. Khan by His Excellency the Governor?

(*i*) What was the total cost of excavating this *khal* up till the time it was opened by the Governor?

(*j*) Is it a fact that this *khal* is now completely dried up and remains so for several months in the year?

(*k*) Is it a fact that it was expected that this *khal* would be a navigating *khal* throughout the year?

(*l*) What was the total number of labourers who worked on its excavation?

(*m*) For how many months did the work continue?

(*n*) Will the Hon'ble Minister please state the year in which the work began?

(*o*) Was any remuneration paid to the labourers for the excavation?

(*p*) If so, what was the total amount paid to them?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) Anderson *Khal*.

(*c*) The *khal* was named Anderson *Khal* at the request of the local people to commemorate the visit of His Excellency the Governor to the subdivision on the occasion of the opening of the *khal*.

(*d*) The excavation work was undertaken by the Brahmanbaria Co-operative Rural Reconstruction Society, Limited, at the suggestion of the then Subdivisional Officer, Mr. N. M. Khan, I.C.S.

(*e*) No.

(*f*) Does not arise.

(*g*) No.

(*h*) The khal was opened by His Excellency the Governor at the request of the Collector of Tippera and the Hon'ble Minister concerned.

(*i*) Rs. 4,000.

Rs. 2,000 was spent by the Co-operative Rural Reconstruction Society for feeding volunteers and the District Board spent the same amount in dressing and turfing the slope of the embankments.

(*j*) No. During the winter months the water level is low near the railway bridge on account of the fact that the level of the floor of the railway bridge is higher than the bed of the *khal*. The Railway authorities have decided to lower the floor of the bridge and this work is expected to be started as soon as the present rainy season is over.

(*k*) I have no information.

(*l*) The total number of volunteers who did excavation work was 91,800, of whom about 41,500 were casual workers from distant places who attended for one day only.

(*m*) Five months from January to May, 1936.

(*n*) 1936.

(*o*) No. The labour was voluntary.

(*p*) Does not arise.

Mr. LALIT CHANDRA DAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether any application was made by the local people to name it so?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I could not say without notice if any application was submitted by the local people.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state if some of these volunteers were forced to work under extreme pressure by the local authorities and against their wishes?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have no information.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state whether any corporal punishment was inflicted upon them for refusing to do this voluntary work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have no knowledge.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that many of the so-called volunteers were kicked, thrashed and even striped by the Subdivisional Officer, Mr. N. M. Khan?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, I have no knowledge and neither any complaint to that effect was made to the Government.

Mr. NARENDRA CHANDRA DATTA: With reference to answer (*j*) who is going to bear the cost of lowering the floor of the bridge? Whether the cost would be borne by the Government of Bengal or by the railway authorities or by both, and if so, what is the amount to be borne by each of them?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, I am afraid, I cannot answer it without notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether this excavation work was undertaken with the sanction of the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I think so, that was done with the knowledge of the Government.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether the effect of the excavation of this *khal* improved the drainage of the locality?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes Sir, that is the report.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that for eight or nine months of the year the whole *khal* is dried up and does not serve the purpose of any drainage?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: As I have already stated in reply to (*j*) that during the winter months the water level is low but does not dry up altogether.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether the *khal* was excavated primarily for the purpose of draining away the water during the rainy season which accumulates and destroys the rain crops?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, the idea was generally to improve the drainage of the locality.

Mr. HAMIDUL HUQ CHOWDHURY: Therefore, Sir, the question does not arise that during the winter season the level of the water falls very low.

Maulana MUHAMMAD AKRAM KHAN: (put the following supplementary question in Bengali). Did the people express their joy in the newspapers because of this excavation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have no recollection about what appeared in the newspaper report when this *khal* was opened.

Bridge over Bally Khal.

78. Mr. KANAI LAL GOSWAMI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the bridge over the Bally *Khal* on the Grand Trunk Road is so narrow that it leads to congestion of traffic apart from the chances of accident?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state what steps he proposes to take to remodel the bridge so as to meet the altered conditions of traffic?

(*c*) Will the Hon'ble Minister be pleased to state whether in the scheme for improvement the provision of a separate passage for pedestrians will be made?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) and (*c*) It is under contemplation to replace the existing bridge by a modern type of bridge with footpaths.

Release of Detenus.

79. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of detenus and internees released by the Government of Bengal since the assurance of gradual release given by the Hon'ble Minister in the last meeting of the Bengal Legislative Council?

(*b*) Will the Hon'ble Minister be pleased to state the total amount of allowances given to those since released and also the average amount of allowances given *per capita*?

(*c*) Will the Hon'ble Minister be pleased to state why those detenus and internees who are still kept in detention or internment or under orders of restraint, have not yet been released?

(*d*) Will the Hon'ble Minister please state the number of such political detenus and internees?

(*e*) By what time will they be released?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Twenty-seven persons were released on certain conditions and forty-five unconditionally between the 10th August and the 12th September last. This number of unconditionally released detenus includes some who had previously been released on conditions.

(*b*) District Officers are being asked for their recommendations.

(*c*) and (*e*) The attention of the hon'ble member is invited to the policy which I have announced.

(*d*) The number of persons detained in jails and camps (exclusive of trainings camps), village domicile and home domicile under orders passed by Government under section 2(*1*) of the Bengal Criminal Law Amendment Act was 1,852 on the 12th September last.

Mr. SACHINDRA NARAYAN SANYAL: May I know what was the nature of the condition under which these prisoners were released?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already announced that in the House.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) whether any allowance has actually been sanctioned according to the recommendation?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so, so far as my knowledge goes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether there has been any variation in the allowance granted to the detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Hunger-strike in the Andamans.

80. Rai BROJENDRA MOHAN MAITRA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the names of the Andamans political prisoners who are still continuing the hunger-strike?

(*b*) Do the Government contemplate giving facilities to their relations and other public men to induce these hunger-strikers to give up their vow?

(*c*) Have any of the Andamans prisoners been brought back to Bengal during last month in consideration of their health?

(*d*) If so, how many of them have been brought back to Bengal and what are the diseases, they had been suffering from?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) None.

(*b*) to (*d*) Do not arise.

Voters on Electoral Rolls of Different Constituencies.

81. Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the total number of voters on the electoral rolls of the different constituencies for election to the Bengal Legislature, with the number of votes polled in the last general election?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the Library table.

Temples of Rani Bhawani.

82. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that there are several beautiful temples of peculiar type at Baranagar within Jiaganj police-station in the district of Murshidabad erected by the late Rani Bhawani of revered memory, which are gradually decaying?

(*b*) Is the Hon'ble Minister aware that most of those temples belong to Nator Raj, now under the Court of Wards?

(*c*) Is the Hon'ble Minister considering the desirability of inquiring as to what the Court of Wards will do for the better upkeep of these special models of architecture of historic importance?

(*d*) Is the Hon'ble Minister considering also the desirability of drawing the attention of the Archæological Department for declaring these temples to be preserved monuments under the Ancient Monuments Preservation Act?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) Yes.

(*c*) and (*d*) The matter will be referred to the Home Department who are in charge of the subject and the Court of Wards.

Persons under Orders of Restriction.

83. Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many persons are now under orders of restrictions for a period of over six years, five years, three years and two years, respectively;

(*b*) how many were served with orders of restrictions since the inauguration of the new Government of India Act, 1935; and

(*c*) how many detenus have been unconditionally released since that date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The information is not available and cannot be obtained without an expenditure of time, labour and money which, the Government regret, they are unable to undertake.

(*b*) 14 under section 2 (*1*) of the Bengal Criminal Law Amendment Act, up to 12th September last.

(*c*) 342, up to that date.

Undesirable Persons.

84. Rai BROJENDRA MOHAN MAITRA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that persons whose movements have been

restricted under the Bengal Criminal Law Amendment Act, are asked not to mix with undesirable persons?

(*b*) Is it a fact that a list of such undesirable persons is kept in every thana?

(*c*) Is it a fact that barring a general direction the list of the undesirable persons is not supplied to those whose movements are restricted?

(*d*) If the reply to (*c*) be in the affirmative, is the Hon'ble Minister considering the desirability of supplying the list of undesirable persons to those whose movements are restricted?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No; the necessary information is kept in the possession of the Superintendent of Police.

(*c*) In many cases lists are supplied by the Superintendent of Police when this is considered necessary.

(*d*) Does not arise.

Detenu Mr. Nibaran Chandra Dutta, M.A., B.L.

85. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the amount of allowance that is being granted to Mr. Nibaran Chandra Dutta, M.A., B.L., a detenu under the Bengal Criminal Law Amendment Act, now interned at Bhurungamari police-station in the district of Rangpur?

(*b*) Is the said allowance deemed by the Government to be adequate for the maintenance of the aforesaid detenu consistent with his social status and standard of living?

(*c*) Is it a fact that in spite of repeated prayers the question of his allowance has not been reconsidered by the Government?

(*d*) Is it a fact that in spite of repeated prayers no interview has been granted to his brother, mother and other relations?

(*e*) Are the Government prepared to allow him to get himself enrolled as an Advocate of the Calcutta High Court and for that purpose allow him to reside in Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) An allowance of Rs. 25 a month to the detenu and Rs. 45 to his family.

(*b*) Yes.

(*c*) The question of his allowance has been considered from time to time.

(*d*) An interview was allowed to one brother. Interviews with another brother were refused. Applications from other relatives have not been received.

(*e*) The local officers have been asked to ascertain from the detenu whether there is any pleader at Rangpur who is willing to have him as an apprentice.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state when an interview was allowed to one of the brothers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. KAMINI KUMAR DUTTA: When was the interview refused?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. KAMINI KUMAR DUTTA: With reference to reply (*e*), is the Hon'ble Minister aware that if one intends to get himself enrolled as an Advocate, he has to work with an Advocate of the Calcutta High Court and his work as an apprentice to a pleader in *mufassil* will not be sufficient to qualify him to be an Advocate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe what the hon'ble member stated is correct.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he contemplates to give him an opportunity to work with an Advocate here in order to get himself enrolled as an Advocate in the Calcutta High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will consider his request.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I was going to put a question to the Hon'ble Minister but as I find he wants notice in every case, it is useless to ask him any question.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible for anybody to keep everything in his head.

Government Bills.

Supplementary Budget, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: With your permission, Sir, I rise to present the supplementary estimate of the expenditure for the year 1937-38. The estimate includes the expenditure under major heads—General Administration, Administration of Justice and Famine Relief, amounting to Rs. 14,90,500 in all of which Rs. 5,32,000 will be "charged".

Mr. HUMAYUN KABIR: On a point of order, Sir, I find from a perusal of the supplementary estimate that there are provisions which have not yet been considered in this House. Is it in order to present a budget on the hypothetical assumption that the bill will be passed without the slightest alteration in the form in which it has been passed in the Lower House.

Mr. PRESIDENT: The proper time to raise your point of order will be when the Supplementary Budget will be taken up for discussion.

The Hon'ble Mr. NALINI RANJAN SARKER: The Supplementary Estimates under heads 25—General Administration and 54—Famine Relief, are for expenditure that would be necessary if certain bills now before the Legislature are passed into law, namely,—

(*1*) The Bengal Ministers' Salaries Bill, 1937.

(*2*) The Bengal Legislative Chambers (Members' Emoluments) Bill, 1937.

(*3*) The Bengal Legislative Chambers (President's and Speaker's Salaries) Bill, 1937.

(*4*) The Bengal Famine Insurance Fund Bill, 1937.

The Supplementary Estimate under 27—Administration of Justice does not involve expenditure in excess of that included in the budget for the year. It is due merely to change in classification. When the budget was presented it was thought that the expenditure on account of the Official Assignee and his office would be "charged". But subsequently we have been advised that these are votable items. For that purpose it has been included in the Supplementary Estimate.

The Bengal Ministers' Salaries Bill, 1937.

Mr. PRESIDENT: The House will now resume further consideration of the Bengal Ministers' Salaries Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the consideration of the Ministers' Salaries Bill is before the House. First of all, we should discuss the principle which should be followed in fixing the Ministers' salaries. The Ministers are supposed to be the best men whom the country wants to render service for the country. As such, the minimum amount necessary for attracting the best men to work as ministers, should be the pay of a minister and this minimum amount should be fixed having regard to the rates of salary prevailing in the country for the time being, and this should be the principle for the fixation of the salaries of ministers. Now, Sir, this will certainly vary from country to country and from time to time. I may tell this House that the first Caliph of Arabia drew only Rs. 7-8 per month and this sum was considered as sufficient pay for the first Caliph of Arabia, because at that time people were infused so much with the spirit of self-sacrifice that they considered that for the service of the country, only the subsistence allowance was all that was necessary for the highest official in the country and as such, Rs. 7-8 was fixed as the pay of the first Caliph of Islam. The three successive Caliphs also drew the same amount of Rs. 7-8, but that was possible in a country where the Prophet, by his miracle, had infused such a spirit into men of the highest intellectual powers and men of the highest practical ability that they worked and were prepared to work and were very willing to work on a mere subsistence allowance.

But what is the state of things here in Bengal with which we are now concerned? In Bengal, we find that the rate of pay of the Chief Justice of the High Court is Rs. 6,000, that of the High Court Puisne Judges is Rs. 4,000 and that of the Commissioner of a Division is Rs. 3,000. An I. C. S. officer ordinarily expects to get up to Rs. 3,000 in the usual course. These are the rates of pay in Bengal, and having regard to these rates of pay, if we fix the salary for a minister at a rate which is very much lower than these, what will be the result? The result will be a dangerous and disastrous one, because men of real ability will be shut out and they will not care to come to serve and they will not care to stand for ministership. We want not only the best men here, but we should also get such men who will be able to bear so much worries, turmoils, anxieties and troubles. Will men of real ability and real practical ability care to stand for ministership unless they have a real self-sacrificing spirit in them. Unfortunately, this self-sacrificing spirit is very much wanting in us, and if we cultivate that spirit, a time will come when Rs. 1,500 or Rs. 500,

the Congress have fixed, will be sufficient pay for the Ministers. If
: force them to accept a lower salary, what will be the result? The
sult will be practically reserving ministerships for the mediocres,
.d the aristocrats and the men of ability who are really men of
orth, will not care to come. Do you think that either Lord Sinha or
r Ali Imam would have cared to go to the India Council if they
ere paid only Rs. 1,500 a month? Men of such ability we want,
id we cannot do without such men as ministers. So we must not fix
.ch a salary as will shut out men of real practical ability. It will
: a great mistake, it will be a false economy and it will be a penny-
ise-and-pound-foolish policy to pursue, if we reduce the pay at the
ead, and allow the pay of others to remain as they are. I admit
iat the pays of the I. C. S. officers and of the High Court Judges are
ally very high and my poor country cannot afford to pay such high
ilaries. We will have to make drastic reduction in the salaries of
iese posts. But we cannot touch the pay of I. C. S. officers. Public
pinion will have to be formed in the case of the pay of those officers in
espect of whom our votes are necessary. We should see that their
laries are drastically reduced. That will have a great effect and
ublic opinion will go in favour of reducing pay of others and the
uthorities will then perhaps think of reducing the pay of the I. C. S.
fficers. At the time when the pay of the I. C. S. officers was fixed,
nly Europeans were allowed such posts and as they came from 7,000
iiles away, there was reason for such high pay. For example, if a
I. C. S. officer is sent out to New Zealand, would he care to go on the
ame pay he gets in Bengal? He would not. He would demand three
imes his present pay. That is the reason why the pay of the I. C. S.
fficers was fixed so high. Now that we are recruiting more of our
wn people in I. C. S., and in course of time, we hope that all of the
fficers will be Indians, we must make drastic changes and reduce the
ay of our own officers and the time will come when at a low pay, we
ill be able to attract the best men who will be ready to work as ministers.
Until that time comes, it will be disastrous to lower the pay of the
Ministers. The pay that has now been fixed is much lower than that
f a High Court Judge, and I think that we have already begun well
because we have reduced the pay by 100 per cent.—the former pay
being Rs. 5,333, it is now only Rs. 2,500 for ordinary ministers. If
ve reduce the pay of other services by 100 per cent., everybody will be
atisfied that the retrenchment, on which we insist so much, has been
iven effect to. If the pay of the ministers is further reduced, I think
t will be disastrous for the country. With these words, I support the
ill which has been presented by the Hon'ble Finance Minister.

Mr. KAMINI KUMAR DUTTA: I think it is an accepted fact that
the administrative machinery of the Government is highly expensive.

The fact cannot be denied that this machinery is moving with its wheel-well-greased, while the nation-building departments are being starved. It cannot be denied that drastic retrenchment is required in the expenses of the administration. So the plea that high pay is being paid to the other officers, the plea that there is a clog created by the Government of India Act, 1935, to the reduction of pay of the privileged class of service-holders and the plea that has been raised, that people in other spheres of life in business and in professions are making inordinately high earnings—these pleas cannot at all be set up for the justification of allowing a high pay to the Ministers, because it is admitted that those are vices which ought to be remedied. Because there is a defect, that defect should not be set up as a plea for continuing that crime. This office of the Minister is an office which the Minister has sought for himself and I must say, it is a very noble mission—the omission to serve one's own people, the mission to serve one's own country. So the responsibility is one which they have themselves sought for and they must be prepared for the liability attached to the responsibility, and they must also be prepared to impose upon themselves the rigour of economy, in the language of the Hon'ble Finance Minister. It is for them to be pioneers. It is for them to show that in this country economy is highly needed and that administrative expenses must be reduced. It has been said that people are earning a good deal in other professions, but I think, if the ministers would agree to accept a moderate salary, they would set an example which would make it impossible for the greedy lawyers or for the greedy medical practitioners to charge any high fees from the people concerned. Not only the public opinion would be against that, but it is not impossible to contemplate that legislation could be brought in to save the people from the greed of lawyers, from the greed of magnates in business, from the greed of medical practitioners and from the greed of other people who try to trade upon the people of the country.

A Member: What about the money-lenders?

Mr. KAMINI KUMAR DUTTA: As to the money-lenders, the legislative forces are already in operation and the people of the country would feel relieved if the rigour of the legislation would be more. So all money-lenders, all lawyers, all medical practitioners, all magnates in business who are piling up money at the cost of the people of country—everybody ought to be restrained. Why should we think that this state of profiteering will continue? Why should not ministers be the pioneers to show that they are ready to render their

services at a very low and moderate rate? The country should restrain the greed of the people in all spheres of life. So those illustrations, as to what pay the Ministers are drawing in the United Kingdom or in other countries of the world, what pay is being paid in other provinces, are quite immaterial. The fact is that the pay-masters cannot afford to pay this high pay, the burden is heavier than their shoulders can bear. It is nothing but a plain truth to say that if this machinery of administration is to be run at the heavy cost, it will be nothing but a mockery, it will be nothing but fleecing the poor people and feeding only a few and that at the cost of the nation. So it must be said that these are not pleas which should be set forward in justification of the plea of allowing a high salary to the Ministers. I would again say and appeal that the Ministers ought to be pioneers in this respect and that the representatives of the people ought to set their face against any attempt to profit at the cost of the people of the country. I need not prolong my speech further. The facts are eloquent in themselves. I would finish my speech with a fervent appeal that this House should vote in such a manner that it will set an example of economy. It will set an example not only to the Ministers but to all people in the country who think that they can live by profiteering at the cost of the country.

Mr. NAZIRUDDIN AHMAD: It has been just said that the Ministers should set an example and if that example is set at all, the result would be that lawyers and doctors would charge less fees. I am not as optimistic as that. I should believe that the Congress should, instead of attacking the Ministers in this way, try to set their house in order. Why should they not begin this economy in the Calcutta Corporation? If they can effect that, then and then only it would be possible for them to argue in that way.

Mr. RANAJIT PAL CHOUDHURY: The question of setting an example has already been started in other provinces. He is not in order to refer to the Calcutta Corporation when that body has nothing to do with the point at issue.

Mr. NAZIRUDDIN AHMAD: The point is that the matter has been argued with great force by the Congress benches as if this side of the House has nothing to say. We have a strong case in our favour. The Ministers have framed very good programmes. Their programme is an amendment of the Tenancy Act; their programme is removal of agricultural indebtedness and the introduction of the primary education. These programmes were supporting the Ministers. We are not

mere blind supporters of the Ministers or the Ministry. In these circumstances, it would be better for the Congress to set an example. Although the Congress has been speaking very loudly—and there is no loud-speaker on this side of the House; but there are loud-speakers on the other side and amplifiers of those loud speeches in the papers—still we have a very good case. The Ministers are a body of hard-worked and over-worked people. They are harassed and their lives have been made miserable. If we pay them one rupee for each additional question that is put and for each heckling, you will have to pay more than Rs. 2,500. I beg to submit that considering all these circumstances, the pay is reasonable.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I will take not more than five minutes, as I want to reply only to certain remarks made by Mr. Kamini Kumar Dutta, whom I certainly admire for the high motives which inspired him to make those remarks. Sir, he alluded to the question of "missionary" ministers. I would like here to quote a dictum of Edmund Burke, whose name is a household word in India and who was responsible for reforming the corrupt practices in the House of Commons and in the British Empire. And what does he say about "missionary" ministers: "I will even go so far as to affirm that if men are willing to serve in such situations without salary, they ought not to be permitted to do so." And why? Because, according to him, "ordinary service must be secured by the motives to ordinary integrity". And Burke was one of the greatest political philosophers of the day. Then he continues: "I do not hesitate to say that the State which lays its foundation in rare and heroic virtues, will be sure to have its superstructure on the basest profligacy and corruption. An honourable and fair profit is the best security against avarice and rapacity, as in all things else a lawful and regulated enjoyment is the best security against debauchery and excess."

These conditions are the conditions which are prevalent in India even amongst Congressmen. But here is the man who in those days was considered to be the greatest of political philosophers and orators, a man who brought Warren Hastings to trial and proved him to be what he really was, and had him impeached. They at that time laid down that missionary ministers would be absolutely out of place in any political structure in any part of the world.

Secondly, Sir, Mr. Dutta said that profiteering was going on in every department of life—in the professions,—both legal and medical—amongst landlords, and amongst money-lenders. Does he deny the fact that it is necessary that we should have men—strong men—free

from financial worries and anxieties to tackle those territorial magnates, those big landlords, those powerful bankers and merchants, and keeping aside the medical practitioners and lawyers: as they get very fat fees and are unwilling to serve as ministers on low pay? Sir, every reason that he has advanced is rather a reason in favour of keeping every minister in comfort, free from worry, and in such a strong financial position that he cannot be won over and influenced—and influence is a very big factor in this country. Every argument that has been used in this House, bears on the question of retrenchment, as if Rs. 2,500 × 11 or 12 that are paid to the ministers would make a very great difference towards nation-building if they forego their salaries. It won't meet even the interest and depreciation that we pay on these magnificent Council buildings. If we want retrenchment at all, we must discuss it in its proper proportions. Sir, I have the greatest admiration for Congress idealism. We all bow down at the temple of the Congress, as the Hon'ble Mr. Sarker said yesterday, but we do not see eye to eye with the votaries of the Congress, especially the votaries that we find in this unfortunate province of Bengal. You talk of Bihar, you talk of the Central Provinces, you talk of Madras, you talk of Bombay. Indeed, there is something to say about the self-sacrificing Ministers there. Certainly, they have done wonderful work there and they deserve our admiration, and their example ought to be emulated by us. But, Sir, things are different in Bengal. A very high standard of life is practised here by yourselves, the opposition leaders themselves and ourselves (members of this Upper House).

Mr. MESHBAHUDDIN AHMED: Sir, I move that the question be now put.

The question, that the question be now put, was put and agreed to.

Mr. PRESIDENT: The Hon'ble the Finance Minister who moved this motion has his right of reply.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. President, Sir, when I was listening to the remarks made by the representatives of the Congress and the Proja parties for the moment I was feeling that we, the ministers, were superhuman beings; though both in this House and outside we are described as contemptible beings, but when the question of our salary comes in we are described as superhuman creatures. If there is a good thing to be done, it must be the Ministers who should do it; others have no responsibility for it. If it is a question of sacrifice, it is the Ministers again who must undertake it; if it is a question of removal of malaria and kala-azar, it is the Ministers

again who ought to remove these pestilences from the land by foregoing their personal necessities. Nobody else has the least responsibility for them. Well, Sir, I am proud of this, even though in newspapers and opposition speeches we are described as so many contemptible creatures, but really in their heart of hearts some members at least feel that we really are superhuman beings, and I accept this compliment with all humility.

Mr. SHRISH CHANDRA CHAKRAVERTY: And act up to it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, my friend Mr. Moazzem Ali Chaudhury has said that I have not yet replied to the speech he made the other day. I do not think, Sir, he said anything special. But what general remarks he made, I have replied to every one of them. One thing, however, I have left out, and that was the remark he made about the Hon'ble Chief Minister. He said that the Hon'ble Chief Minister, either in his election manifesto or in the manifesto of the Proja party, had said that the salary of a Minister or of the highest officers of the State should be not more than Rs. 1,000 a month. But, Mr. Moazzemali Chaudhury forgets that the Hon'ble Chief Minister is not a Minister from the Proja party but is a Minister from the Coalition party. Since he is working a democratic constitution, he could not in every matter give effect to his own programme in the Legislature. Sir, if the ideal of simplicity is considered I do not think that you will find very many men amongst ourselves who have during the whole of their life lived a life of simplicity, as Mr. Fazlul Huq has done. Therefore, to accuse him of want of simplicity is, I think, nothing but a sacrilege. My friend Mr. Kamini Kumar Dutta said said that if the Ministers set an example, then men of other professions, the zemindars and people in every other sphere of life would follow that example. I say, Sir, the Ministers have set an example that though under the prevailing conditions of things they could claim Rs 5,000, yet they have not done so. The state of business which the Ministers have got to do remains the same, and has not been changed in the least, but still the Ministers have accepted a lower salary or rather put a lower value on their service. They have fixed the value of their service at Rs. 2,500.

Mr. SHRISH CHANDRA CHAKRAVERTY: Is it half-price sale or Poojah concession?

The Hon'ble Mr. NALINI RANJAN SARKER: If it is a half-price sale or a Poojah concession, let all of you follow this example. This lower salary will certainly mean some saving in the province's budget.

If it is a competition between person and person as to who can carry on the lowest income, then I am quite prepared to accept the challenge. (Ironical cheers from the Congress benches.) I will not take a farthing as my salary ("Hear, hear"), provided that those who are shouting "hear, hear" will not themselves earn anything or agree to place whatever they earn at the service of the nation. If it is a competition between person and person as regards simplicity, I yield to none, Sir, in that respect. I again, say, Sir, I yield to none in that respect. We have accepted, Sir, a serious responsibility and we do not want to have individual competition. I have made it perfectly clear that we have put down Rs. 2,500 as our salary because we considered that under the prevailing condition of things that is a legitimate price for the services which we are rendering to the province. Sir, it is not a question of individual sacrifice, of individuals taking to a life of simplicity. It is very easy to say these things, as I pointed out in my speech last Saturday, but, Sir, it is very difficult to give effect to these things in one's own life. I would ask my friends to say whether patriotism is their own monopoly.

Mr. SHRISH CHANDRA CHAKRAVERTY: Nobody has said so.

The Hon'ble Mr. NALINI RANJAN SARKER: You claim that always.

Mr. SHRISH CHANDRA CHAKRAVERTY: You are going to be a *sanyassi* like Lala Babu.

The Hon'ble Mr. NALINI RANJAN SARKER: Then, Sir, my friend Mr. Moazzem Ali Chaudhury said that when the representative of the King—"*Samrater Pratinidhi*"—meaning His Excellency, had fixed Rs. 2,000 as the salary for some of us in the initial stages, why were they accepting more. I would submit, Sir, that if the words and the decisions of the "*Samrater Pratinidhi*" are so sacred to them, and if in other cases also they agree to respect the decision of the "*Samrater Pratinidhi*," then, Sir, we are prepared to take Rs. 2,000 as our salary. It is men like Mr. Moazzemali Chaudhury, who quote the authority of His Excellency the Governor when it suits their purpose, and it is they again that sneer at us and say that we have been inspired by the dictation of the Governor. Well, Sir, my friends will cheerfully forego the Rs. 500 per month, if Mr. Chaudhury and his friends would agree that whatever decisions are given by the "*Samrater Pratinidhi*" from now will always be obeyed and accepted by them.

I think, Sir, I have given replies to all the important points raised by the hon'ble members of this House and I still say that Rs. 2,500 is a reasonable sum which a minister can certainly well deserve.

Mr. PRESIDENT: The question before the House is that the bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Legislative Chambers (President's and Speaker's Salaries) Bill, 1937.

Mr. PRESIDENT: We shall now take up the consideration of the the Bengal Legislative Chambers (President's and Speakers' Salaries) Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: May I suggest, Sir, that you take up the Members' Emoluments Bill first?

Mr. PRESIDENT: I am afraid, I cannot change the order.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Legislative Chambers (President's and Speaker's Salaries) Bill, 1937, be taken into consideration.

Begum HAMIDA MOMIN: On a point of order, Sir. There are several amendments that have been tabled to the Members' Emoluments Bill and also to the President's and Speaker's Emoluments Bill. Some of the amendments to the latter Bill are consequential to the amendments tabled to the Members' Emoluments Bill. So, I suggest that you may be pleased to permit that the Members Emoluments Bill be taken up first.

Mr. PRESIDENT: That is not a point of order. We will consider these Bills in the order in which Government have arranged them.

Mr. HUMAYUN KABIR: I do not think there is any occasion for me to make any formal speech in connection with this amendment. I shall only repeat some of the considerations which made me move similar amendments in another case. I think some of the arguments which I have suggested have not yet been answered.

With regard to the salaries of the President of the Legislative Council and the Speaker of the Legislative Assembly, I would first of all like to make it clear, and I hope other members of this House

will agree, that we desire that the salaries of these two officers should be the same. There is no reason why the salary of the Speaker should be higher than the salary of the President of this House, and I think I am voicing the opinion of practically all the members of this House as is evident from the number of amendments which have been tabled—

Mr. PRESIDENT: Order, order, there has been some irregularity. Let me put the motion first. The motion before the House is that the Bengal Legislative Chambers (President's and Speaker's Salaries) Bill, 1937, be taken into consideration

The motion was adopted.

Mr. PRESIDENT: The question is "That clause 2 stands part of the Bill."

Mr. HUMAYUN KABIR: I beg to move that for clause 2 the following be substituted, namely:—

"2. (*a*) There shall be paid to the President of the Bengal Legislative Council and to the Speaker of the Bengal Legislative Assembly a salary of one thousand rupees and an establishment allowance of five hundred rupees each per month. **Salaries and allowan**

(*b*) There shall be paid to the Deputy President of the Bengal Legislative Council and to the Deputy Speaker of the Bengal Legislative Assembly a salary of one thousand rupees each per year."

I shall not repeat what I said a little while ago even though that was irregular. I think all the other members of this House believe that the salaries of the two officers should be the same. Now, the question is, are we going to take these salaries the same by levelling them up or levelling them down? Here I would submit that there is no reason whatsoever why we should always be levelling up. It is generally admitted that the scale of salary should be such as to allow persons to live in comfort and not in luxury. I would submit in this connection that the salary should be such that there is no inducement in the salary itself, and the people who come to public life do not come for the attraction of the salary. In this way, the Ministers and the President of the Legislative Council or the Speaker of the Legislative Assembly stand on a different footing from similar officers in other spheres of governmental activities. Here, the honour which is attached to those posts, is to a large extent compensation for the energy which these officers have to devote to their particular duties. I would therefore suggest that we want to lay it down that the salary is not

the criterion by which we judge the dignity of the post. If our President and the Speaker are prepared to accept a salary of Rs. 1,000 each, and an establishment allowance of Rs. 500, let it not be thought for a moment that they are in any way inferior, to or that they are in any way holders of less responsible positions than, the persons who draw very much higher salaries.

In this connection, I would draw your attention to the prevailing practice in Great Britain. In Great Britain, till very recently, the salary of the Premier was £5,000; it has recently been raised to £10,000. The salary of the Solicitor-General or the salary of the Lord Chancellor has always been considerably more than that of the Premier, yet no one has for a moment suggested that the office of the Lord Chancellor or the office of the Solicitor General carries with it more dignity than that of the office of the Prime Minister of Great Britain. That shows, if proof be needed for the purpose, that salary is not the criterion of the dignity of the office. I suggest therefore that the salary of the Speaker of the Assembly and the President of this House should be fixed at Rs. 1,500. We are not in any way suggesting that their office is less difinified and less responsible than the office of the Ministers of Bengal.

Then with regard to the second part of the amendment namely, that relating to the salary of the Deputy Speaker of the Assembly and the Deputy President of the Council, I would submit that to a large extent the work which the Deputy President or the Deputy Speaker has to do is similar to the work of an ordinary member of the House. No additional responsibility is attached to these posts. They begin to function only when the President or the Speaker happens to be absent; and since there is a panel of chairmen and since it has been provided that the Deputy Speaker and the Deputy President would draw the salaries of ordinary members, I do not see any reason why in addition a sum of more than Rs. 1,000 should be paid to them. Besides, a certain amount of honour is attached to the office of the Deputy Speaker and the Deputy President and that in itself is some recompense for the duties which they might occasionally be called to perform. In consideration of the fact that they draw the full salary of a member, and that they are entitled to such allowances as an ordinary member may draw in view of the fact that the duties which they have to perform are not very different from duties of ordinary member of the House, I would suggest that we should fix the salary of the Deputy President and Deputy Speaker at Rs. 1,000 per year in addition to a member's salary and allowances. With these few words, I beg to commend my motion to the acceptance of the House.

Mr. SHRISH CHANDRA CHAKRAVERTY: I beg to move that in clause 2 (*a*) for the words "one thousand five hundred" the words "seven hundred fifty" be substituted.

In moving this amendment I want to explain the Congress position in this matter, and I do not propose to say very much. I want only to say that we must confine ourselves to the point at issue; as there has been generated a great heat here and when our Finance Minister almost creater a scene, so to say, I propose to confine myself and also other members——

Mr. PRESIDENT: The hon'ble member should not forget that it is a different bill and he is not to refer to old discussions.

Mr. SHRISH CHANDRA CHAKRAVERTY: Now, Sir, the point at issue arising out of this amendment is what should be the standard of salary or emoluments of the Speaker of the Assembly and the President of this House. There is no doubt that these two posts are posts of great honour and sufficient allowance should be allowed on this account. We consider, however, that a sum of Rs. 750 should serve the purpose of the living of an average Indian; especially having regard to the financial condition of the country and the resources at our command for the present, this standard should be reasonable and proper.

My friend Mr. Humayun Kabir said in his speech that the salary which has been fixed in England in proportion to the income is not at all very high—but I should say that in proportion to the income of the Bengal Government, the salary proposed in my amendment is not at all inadequate or improper. It may be argued in favour of a higher salary which has been proposed in the bill that the dignity of the posts must be maintained. I say as an Indian that the dignity of a post is not measured by the money value. The rank is not measured by rupees.

What about the Cabinet Ministers of England and other places? Mr. Gladstone who was the Prime Minister of England used to travel always in third class and when he was once asked why he travelled in third class, his reply was that because there was no fourth class. He did not feel it beneath his dignity to travel in third class. Then again Lord Asquith and Sir John Simon, who used to earn millions in their profession and who had very lucrative practice, left their profession to take up the service on the Cabinet at a great sacrifice and had been satisfied with £5,000 a year——

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Is it relevant that Sir John Simon gave up his practice when he was appointed President of a Commission.

Mr. SHRISH CHANDRA CHAKRAVERTI: Taking all facts into consideration we shall not be far wrong if we maintain that the money value is not the criterion of one's dignity. In India we never identify honour with the amount of money earned by any individual.

My friend Mr. K. C. Roy Chowdhury who represents the labour in this House has said that there is money value——

Mr. PRESIDENT: I may remind you again that you are not to refer to his old speeches.

Mr. SHRISH CHANDRA CHAKRAVERTI: I am sorry, Sir. There is no question of inadequacy of the salary. The sum of Rs. 750 is enough to keep body and soul together with the ordinary comfort of a human being. If we compare this sum with the average income of an individual in this province, it will be seen that it compares very favourably. The average income is so small that it cannot be calculated; so I think a salary of Rs. 750 will not at all be inadequate for the President to maintain his position in the society. With these words I commend my motion to the acceptance of the House.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 2 (*a*) for the words "one thousand five hundred" the words "two thousand" be substituted.

Sir, I am not alone but I find that twelve members have given one and the same amendment that the pay of the President should be Rs. 2,000 and I move this amendment for no other consideration, either of the average income of an Indian or of the average income of a Minister or the income of a High Court Judge or that of any other high official. That is a question which does not arise now in my mind. I leave those things aside. The only one thing which is in my mind is that why the President of the Upper House, which is just like the House of Lords, should be getting less pay than that of the Lower House. On that consideration alone I have proposed that the pay of the President should be Rs. 2,000. I commend this for the acceptance of the House.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to move that in clause 2 (*b*) for the words "two thousand" the words "seven hundred and fifty" be substituted.

Mr. MOAZZEMALI CHAUDHURY: Mr. President, Sir, I beg to move that in clause 2 (*b*) for the words "two thousand" the words "one thousand five hundred" be substituted.

The Hon'ble Member then addressed the House in Bengali. The following is the English translation of his speech—

In rising to speak in support of this amendment I want first to draw the attention of my colleagues and friends who are members of this House to one thing. I have noticed that most of the previous speakers on the amendments to this Bill have demanded that the salary of the President of the Upper House should be equal to that of the Speaker of the Lower House in order that the dignity of our President may not suffer in any way. On this point I, of course, completely agree with them and I think there is in this House not a single member who holds a different opinion. This equality may be brought about in two ways, first, the salary of the Hon'ble the President may be increased so that it goes up from Rs. 1,500 to Rs. 2,000; secondly, the salary of the Hon'ble Speaker may be reduced from Rs. 2,000 to Rs. 1,500. The fundamental question, involved here, is that whether this equality of the salaries of the Hon'ble President and the Hon'ble Speaker is to be brought about by increasing the cost of administration or by reducing it. Although our aim is one and the same, I beg to follow a different course here. Several of my friends want to effect equality by increasing the salary, while I am in favour of doing it by curtailing the amount of expenditure. This is because we should bear in mind that we have not been able to assign in the budget adequate sums of money for nation-building work. We should therefore try to provide larger amounts of grants for education, sanitation, etc., for our people by cutting down expenses in all directions.

Considering the reasonable character of my amendment, I hope every body will support it.

Mr. J. A. McKERROW: Sir, I beg to move that in clause 2 (*b*) after the word "thousand" the words "five hundred" be inserted.

Sir, there is no office in this Province more honorable than that occupied by you, Sir, as our President. Yours is an arduous and responsible position, and on it depends the success of our labours. I cannot believe that there is any member of this House or those in another place who would wish, on consideration, to haggle or bargain over the figure of remuneration which should accompany the dignity of the Chair. I believe in this I shall have the agreement of the House and consider that we should return this bill for further consideration.

For this purpose I have moved the amendment which stands in my name, that the salary of the President of this House, and in a previous motion the Speaker in another place, should be increased by Rs. 500. It is poor economy which denies to the high offices in the

land an honorarium consistent with their dignity. In the past few weeks you, Sir, if I may say so with respect, have guided our deliberations with a thoughtfulness and consideration and decision which has won the admiration and respect of every section of the House.

I think it must be that we in this older and more deliberate House are better placed to realise the responsibility that is thrown on the Chair and all that this in justice entails. I trust therefore that the motion will meet with the approval of this House.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to move that in clause 2 (*c*) for the words "two thousand" the words "six hundred" be substituted.

Sir, in moving this amendment with regard to the Deputy President's salary, I desire to say, as my hon'ble friend Mr. Humayun Kabir suggested that the appointment does not involve the onerous duties as that of the Speaker or the President and moreover as he has been provided with a salary which an ordinary member will receive and having regard to the fact that there is a panel of Chairmen, he will not be required to preside whenever the Hon'ble President or the Speaker will be absent. In these circumstances, I say that Rs. 600 should be regarded as adequate for the purpose and I think it will add to the dignity of the post.

With these few words I commend the motion to the acceptance of the House.

The Hon'ble Mr. NALINI RANJAN SARKER: On a point of order, Sir. Mr. McKerrow's motion and few other motions which want to increase the salary of the President must have the recommendation of His Excellency the Governor. I do not want to stop the discussion but the terms must be said before introduction.

Mr. PRESIDENT: I think I should draw the attention of the House that before any motion for increase is brought before the House it must have the sanction of the Governor.

Mr. NAZIRUDDIN AHMAD: May I make a suggestion, with your permission, Sir? There is an overwhelming majority of opinion that the pay of the President and the Speaker should be the same and there are various circumstances which have been disclosed in this House which make us absolutely unanimous on the point. In view of the fact that His Excellency's sanction is necessary, would it not be better for the time being to stop the discussion of this bill and send up the matter for His Excellency's approval and then resume discussion.

Mr. PRESIDENT: Is the Hon'ble Minister in a position to tell the House if the matter has been considered by Government and whether they are prepared to give their consent.

The Hon'ble Mr. NALINI RANJAN SARKER: We are prepared to give that consent.

Mr. MOAZZEMALI CHAUDHURY: Sir, I beg to move that in clause 2 (*c*) for the words "two thousand" the words "one thousand" be substituted.

The hon'ble member then addressed the House in Bengali. The following is the English translation of his speech:—

With regard to my amendment I want to say only this that it has been moved mainly with a view to curtailing expenditure. In some of the neighbouring provinces the salary of the Deputy President has even been fixed at Re. 1 per annum, simply because it has been found from experience that the Deputy President has no work to do in particular. All that he has to do is to officiate in place of the President when he happens to be absent by chance. Moreover, the Government supply furniture and telephone free of charge for the use of the Deputy President. In these circumstances, I think an additional salary of Rs. 1,000 for the said post will be enough.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 2 (*c*) for the words "two thousand" the words "three thousand" be substituted.

I move this amendment on the same principle on which I moved the other amendment, namely, that the Deputy President and the Deputy Speaker should be given the same pay. On that ground only I move this amendment that in place of the words "two thousand" the words "three thousand" be substituted.

Mr. SHIRISH CHANDRA CHAKRAVERTI: Sir, I beg to move that in clause 2 (*d*) for the words "three thousand" the words "six hundred" be substituted.

I only want to add that the emoluments of the Deputy Speaker and the Deputy President should be the same as the other members have already suggested. I have nothing more to add.

Mr. MOAZZEMALI CHAUDHURY: Sir, I beg to move that i clause 2 (*d*) for the words "three thousand" the words "one thousand be substituted.

The hon'ble member then addressed the House in Bengali. Th following is the English translation of his speech:—

The reasons which led me to move the amendment for reducin the salary of the Deputy President are also present in this cas Moreover, I do not think there is any justification for fixing a salar for the Deputy Speaker higher than that of the Deputy Presiden I therefore consider an additional salary of Rs. 1,000 per annu enough for the post of the Deputy Speaker.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca On a point of order, Sir. May I ask if the hon'ble member can rea in English certain things from a paper, why is he allowed to spea in Bengali?

Mr. PRESIDENT: He may merely read. He may not be proficient as to deliver a speech in English.

All the amendments are now before the House and any hon'b member may address the House on any of these amendments.

Mr. SACHINDRA NARAYAN SANYAL: First of all I want to kno if I can take part in the general discussion because I think the Hon'bl Finance Minister said that this cannot be done unless he gets the permis sion from His Excellency the Governor.

Mr. PRESIDENT: The Government have given their consent.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I am extremely sorr that I cannot support any amendment regarding increment of the salar for the same reason as for which I could not support the salaries of the Ministers. At the same time I want to point out that this House ha been ignored even as regards the salary of the President, as there difference in the salary of the Speaker and that of the President. I di not find any adequate reason why a differential treatment has bee accorded to the President of the Council in comparison with the Speake of the Assembly with regard to emoluments. It may be contended tha the Speaker of the Lower House has a bigger number of members to dea with and numerous interpelation to scrutinise but that, I would like t submit, is not a sufficient ground for according a differential treatment The President of this House has to exercise the same amount of lega acumen and the same amount of tact in dealing with matters relating to this House; and with regard to that we had proof only the other da when the Advocate General's opinion was necessary and he was brough

to this House. Sir, we all admit that the Assembly Secretary has to tackle a bigger volume of work, but for that adequate ministerial staff and supervising officers have been appointed. It is an anomaly that the salary of the Speaker should be fixed higher than that of the President solely on the score of bigger volume of work or other job performed by the Assembly Secretray. In discussing the salary we heard much about the dignity, the status and the social obligation attached to the officer concerned but what about the dignity, status and social obligations that are attached to the President of this House. He has the same, if not higher, obligations and higher standard to adhere to.

The motion that in clause 2(*a*) for the words "one thousand five hundred" the words "seven hundred fifty" be substituted, was put and a division taken with the following result:—

AYES—9.

Chakravorti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Kamini Kumar.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal Mr. Sachindra Narayan.

NOES—41.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Banerjee, Rai Bahadur Keshab Chandra
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chaudhury, Mr. Moazzemali.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Razzaqui Haider.
Chowdhary, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Haider, Nawabzada Kamruddin.
Hosia, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Jan, Khan Bahadur Shaikh Muhammad.
Kabir, Mr. Humayun.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammed Asaf.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Mollia, Khan Sahib Subidali.
Momin, Begum Hamida.
Nicholl, Mr. C. K.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy, Rai Bahadur Radhica Bhusan.
Roy Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

The Ayes being 9 and Noes 41, the motion was lost.

The motion that for clause 2 the following be substituted, namely:—

"2. (*a*) There shall be paid to the President of the Bengal Legislative Council and to the Speaker of the Bengal Legislative Assembly a salary of one thousand rupees and an establishment allowance of five hundred rupees each per month. Salaries and allowa

(*b*) There shall be paid to the Deputy President of the Bengal Legislative Council and to the Deputy Speaker of the Bengal Legislative Assembly a salary of one thousand rupees each per year", was put and lost.

The motion that in clause 2(*a*) for the words "one thousand five hundred" the words "two thousand" be substituted, was put and a division taken with the following result:—

AYES—37.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Rezzaqui Haider.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Haidar, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Shaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Jan, Khan Bahadur Shaikh Muhammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammed Asaf.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy, Rai Bahadur Radhica Bhusan.
Roy, Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

NOES—12.

Ahamed, Mr. Nur.
Chaudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Pal Chowdhury, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal, Mr. Sachindra Narayan.

The Ayes being 37 and Noes 12, the motion was carried.

The motion that in clause 2(*b*), for the words "two thousand" the words "seven hundred fifty" be substituted, was put and lost.

The motion that in clause 2(*b*) for the words "two thousand" the words "one thousand five hundred" be substituted, was put and lost.

The motion that in clause 2(*b*) after the word "thousand" the words "five hundred" be inserted, was put and lost.

The motion that in clause 2(*c*) for the words "two thousand" the words "six hundred" be substituted, was put and lost.

The motion that in clause 2(*c*) for the words "two thousand" the words "one thousand" be substituted, was put and lost.

The motion that in clause 2(*c*) for the words "two thousand" the words "three thousand" be substituted, was put and agreed to.

The motion that in clause 2(*d*) for the words "three thousand" the words "six hundred" be substituted, was put and lost.

The motion that in clause 2(*d*) for the words "three thousand" the words "one thousand" be substituted, was put and lost.

Mr. PRESIDENT: The question before the House is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House that the short title and the preamble be added to the Bill.

The motion was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bill, as settled in Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bill, as amended in Council, be passed.

The motion was put and agreed to.

Mr. PRESIDENT: The Bengal Legislative Chambers (President's and Speaker's Salaries Bill, 1937, is passed.

I will now adjourn the Council till 2-15 p.m. on Tuesday, the 21st of September, 1937.

Adjournment.

The Council was then adjourned till 2-15 p.m. on Tuesday, the 21st of September 1937.

Members present:

The following members were present at the meeting held on the 20th September 1937:—

(1) Ahamed, Mr. Nur.

(2) Ahmad, Mr. Naziruddin.

(3) Ahmed, Mr. Mesbahuddin.

(4) Baksh, Mr. Kader.

(5) Banerjee, Rai Bahadur Keshab Chandra.

(6) Barua, Dr. Arabinda.

(7) Bose, Rai Bahadur Manmatha Nath.

(8) Chakraverti, Mr. Shrish Chandra.

(9) Chaudhury, Mr. Moazzemali.

(10) Chowdhury, Khan Sahib Abdul Hamid.

(11) Chowdhury, Mr. Khorshed Alam.

(12) Chowdhury, Mr. Rezzaqul Haider.

(13) Chowdhury, Mr. Hamidul Huq.

(14) Chowdhury, Mr. Humayun Reza.

(15) Cohen, Mr. D. J.

(16) Das, Mr. Lalit Chandra.

(17) Datta, Mr. Bankim Chandra.

(18) Datta, Mr. Narendra Chandra.

(19) D'Rozario, Mrs. K.

(20) Dutta, Mr. Kamini Kumar.

(21) Ellahi, Mr. S. Fazal.

(22) Goswami, Mr. Kanai Lal.

(23) Haider, Nawabzada Kamruddin.

(24) Hosain, Khan Bahadur Saiyed Muazzamuddin.

(25) Hossain, Mr. Latafat.

(26) Huq, Mr. Syed Muhammad Ghaziul.

(27) Ibrahim, Khan Bahadur Maulvi Mohammad.

(28) Jan, Khan Bahadur Shaikh Muhammad.

(29) Kabir, Mr. Humayun.

(30) Karim, Khan Bahadur M. Abdul.

(31) Khan, Khan Bahadur Muhammad Asaf.

(32) Khan, Maulana Muhammad Akram.

(33) Laidlaw, Mr. W. B. G.

(34) Maitra, Rai Bahadur Brojendra Mohan.

(35) McKerrow, Mr. J. A.

(36) Molla, Khan Sahib Subidali.

(37) Momin, Begum Hamida.

(38) Mookerjee, Mr. Naresh Nath.

(39) Nicholl, Mr. C. K.

(40) Ormond, Mr. E. C.

(41) Pal Choudhury, Mr. Ranajit.

(42) Poddar, Mr. H. P.

(43) Rahman, Khan Bahadur Ataur.

(44) Rahman, Mr. Mukhlesur.

(45) Rashid, Khan Bahadur Kazi Abdur.

(46) Ray, Mr. Nagendra Narayan.

(47) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.

(48) Roy, Rai Bahadur Radhica Bhusan.

(49) Roy Chowdhury, Mr. Krishna Chandra.

(50) Sanyal, Mr. Sachindra Narayan.

(51) Sarker, Mr. Indu Bhusan.

(52) Shamsuzzoha, Khan Bahadur M.

(53) Singh Roy, Mr. Saileswar.

(54) Sinha, Rai Bahadur Surendra Narayan.

(55) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 20th September 1937:—

(1) Esmail, Khwaja Muhammad.

(2) Hossain, Mr. Mahamed.

(3) Lamb, Mr. T.

(4) Mookerji, Dr. Radhakumud.

(5) Mukherji, Rai Bahadur Satis Chandra.

(6) Sen, Rai Sahib Jatindra Mohan.

(7) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 20th September 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(5) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(6) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.

(7) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(8) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(9) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(10) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 21st September 1937, at 2-15 p.m., being the ninth day of the Third Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-three members and ten Ministers were present.

QUESTIONS AND ANSWERS

Flood in the District of Chittagong.

86. Mr. NUR AHAMED: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware of the heavy damage done to crops by recent flood in the various thanas of the Chittagong district?

(*b*) Is it a fact that in the villages of Patiya, Satkania and Anwara immense suffering has been caused by the flood?

(*c*) If so, has the Hon'ble Minister taken any steps to ascertain the extent of damage done to the crops in these areas?

(*d*) Has the Hon'ble Minister taken any steps to grant immediate relief to the cultivators who have suffered loss by this flood?

(*e*) If not, does the Hon'ble Minister contemplate to grant some relief to the suffering peasants?

(*f*) Has the Hon'ble Minister received any report from the District Officer regarding this flood which occurred recently in Chittagong district in the month of *Sraban*?

(*g*) If so, will the Hon'ble Minister be pleased to publish the same for the information of the members of this House?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*b*) I am aware that a flood visited parts of Cox's Bazar subdivision and thanas of Satkania, Banskhali, Anwara and

Patiya in the Sadar subdivision of the district of Chittagong, causing some damage to the houses, embankments and to standing crops.

(*c*) Yes.

(*d*) A sum of Rs. 15,500 has been sanctioned for agricultural loans and a sum of Rs. 1,000 for gratuitous relief in the flood affected areas. Further allotments, if required by the Collector, will be sanctioned in due course.

(*e*) Does not arise.

(*f*) Yes.

(*g*) The information is laid on the table.

Statement referred to in the answer to question No. 86.

FLOOD IN THE DISTRICT OF CHITTAGONG.

On the 18th August last, the Collector of Chittagong, reported that low lying areas in the thanas of Patiya, Anwara, Satkania and Boalkhali were flooded on account of the heavy rainfall of the first ten days of August, 1937, and that local officers who toured all these areas, found that damage to house property was not excessive. The following *mauzas* which are in low lying areas were found water-logged:—

(*i*) Kanipur, Keoghor and Bhingrol in Anwara police-station,

(*ii*) Kashiaish, Mahira, Mahara and Bhandargaon in Patiya police-station, and

(*iii*) Nalua, Gatiadanga and Morfala in Satkania police-station.

In these *mauzas* some of the *aus* paddy had been reaped before the flood but that which was still standing was partly damaged. Some *aman* seedlings were destroyed. There was some scarcity of good drinking water and it was reported that the District Health Officer and the dispensary doctors were touring the localities and attending to water-supply.

The Collector reported that the situation in the Cox's Bazar subdivision was more acute owing to overflow of the Bakkhali and other rivers. Parts of Chakaria, Eadgaon, Ramu, Cox's Bazar and Teknaf thana being affected. Damage was done to standing crops and replanting of paddy was hampered by scarcity of seedlings—a serious matter in a one-crop area. About 100 houses have been washed away in three or four villages on the banks of the Bakkhali river.

Agricultural loans and gratuitous relief are being given in the affected areas of the district.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if any enquiry was made as to the cause of this flood?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off-hand. I will, however, enquire into the matter further.

Radical Club at Dacca.

87. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there is such a club at Dacca called the Radical Club?

(*b*) Who are its members and how many are they in number?

(*c*) Is that club under Government ban?

(*d*) If so, why was it banned?

(*e*) Is it the intention of the Government to remove the ban now?

(*f*) If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) I can find no record of the existence of such a club either now or in the past.

(*b*) to (*f*) Do not arise.

Mr. LALIT CHANDRA DAS: If I eliminate the word "Club" and put in its place the word "Association", will the Hon'ble Minister be pleased to state if there is such a thing as the Radical Association at Dacca?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Political Prisoners.

88. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether in view of his decision to bring back to the province the Bengal State prisoners and the detenus who are now interned outside the province, those Bengal State prisoners and the detenus have all been brought back to the province?

(*b*) How many of the State prisoners are yet outside Bengal and in which places?

(*c*) Will the Hon'ble Minister please state the reason why he could not yet give effect to his decision to bring back the State Regulation prisoners and the detenus?

(*d*) Will the Hon'ble Minister please state how many of the 317 detenus at Deoli are still at Deoli and how many of the four State

prisoners in the Central Provinces, of the two in the United Provinces and of the five in Madras are still outside Bengal?

(*e*) If there are still any detenus outside the province, will the Hon'ble Minister please state the reason for leaving them outside Bengal?

(*f*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state—

(*i*) when they were repatriated; and

(*ii*) whether it is the intention of Government to set them free now?

(*g*) Will the Hon'ble Minister please state out of the total number of 1,999 detenus—

(*i*) how many have been set free; and

(*ii*) how many are still in detention?

(*h*) Out of the persons still in detention, how many are—

(*i*) in jail;

(*ii*) in camp;

(*iii*) in village; and

(*iv*) in home internment?

(*i*) Out of the detenus released—

(*i*) how many were released conditionally; and

(*ii*) how many unconditionally?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*f*) (*i*) Orders have been issued for bringing back to this province all persons (15 in number) detained under Regulation III of 1818 in jails outside this province. There are no Bengal detenus in outside jails other than Deoli Jail. Of 317 detenus in Deoli Jail orders have already been issued for the return of 72 detenus to Bengal: and order for about 70 others is expected to be issued before the end of this month. Cases of all detenus are under examination in pursuance of the policy announced by me. As soon as accommodation is available in Bengal, and I hope accommodation will be available in the near future in consequence of the present policy of release, all detenus now in Deoli Jail will be brought to this province.

(*ii*) Attention is invited to the statement which I made in this House on the 16th August last.

(*g*) and (*i*) Between 13th August and 12th September last orders were issued for the conditional release of 23 persons and the unconditional release of 40 others including some who had previously been

conditionally released. Seventy orders transferring persons from camps or village domicile to home domicile were issued during that period.

(*h*) (*i*) and (*ii*) 566.

(*iii*) 813.

(*iv*) 489.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state why orders have not been issued for all the detenus in Deoli Jail to be repatriated at once?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to my answer to questions (*a*) to (*f*) (*i*), viz., accommodation is not available.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if the Dum Dum Barrack is full?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no such thing as the Dum Dum Barrack; there is a jail in Dum Dum. We do not put detenus in jail if we can help it.

Discharges from Titagarh Paper Mill.

89. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherji Bahadur): (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that intense pollution of the river Hooghly is being caused by discharges from the Titagarh Paper Mill?

(*b*) If so, is this pollution causing unbearable nuisance to the inhabitants on both sides of the river in the locality concerned?

(*c*) Was any enquiry made in this connection in the past?

(*d*) If so, will the Hon'ble Minister please publish the report of the enquiry?

(*e*) If not, is the Hon'ble Minister considering the desirability of holding an inquiry in the matter in order to abate the nuisance?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) to (*d*) There are two paper mills, bearing this name; namely, Titagarh Paper Mill No. I located at Titagarh, and Titagarh Paper Mill No. II at Kankinarah within the Bhatpara Municipality. The effluent from both these mills is discharged into the river after being mixed with the waste water from the bleach house. The effluent is brownish in colour with a creamish scum and contains chemical waste

products from the paper manufacturing process. Government have received complaints to the effect that the effluent is polluting the water of the river. They have had an inquiry made by the Department of Public Health. Samples of the effluent from both the mills have been recently collected for analysis at the Bengal Public Health Laboratory. Until the result of the analysis is known, it is not possible to say whether the discharge of the effluent causes any pollution in the river water.

The reports of inspection of both these mills made by Dr. B. C. Mukherjee, Assistant Director of Public Health, Presidency Circle, and Dr. A. C. Roy Chowdhury, Septic Tank Inspector, dated the 9th September, 1937, and 10th September, 1937, are placed on the Library table.

(*e*) Does not arise.

Rai KESHAB CHANDRA BANERJEE Bahadur: For how long this state of things has been continuing?

The Hon'ble Mr. SYED NAUSHER ALI: I am sorry, Sir, I cannot say.

District Judge for Dinajpur.

90. Mr. KADER BAKSH (on behalf of Rai Saheb Jatindra Mohan Sen): (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state whether the District Judge of Dinajpur is also the District Judge of Jalpaiguri and of Darjeeling?

(*b*) Will the Hon'ble Minister please state the number of working days spent by him in the three headquarters of the districts of Dinajpur, Jalpaiguri and Darjeeling during the years 1930 to 1936?

(*c*) Will the Hon'ble Minister please state the names of the subordinate courts under the District Judge in each of these three districts?

(*d*) Will the Hon'ble Minister please state whether under the High Court Rules the District Judge is required to inspect outlying subordinate courts at least once in two years and the subordinate courts at Sadar at least once every year?

(*e*) Will the Hon'ble Minister be pleased to state the number of inspections held by the District Judge of the subordinate courts both outlying and Sadar in the districts of Dinajpur, Jalpaiguri and Darjeeling during the years 1930 to 1936?

(*f*) If the inspections are below the required minimum, will the Hon'ble Minister be pleased to state whether this was due to want of time of the District Judge?

(*g*) Will the Hon'ble Minister please state whether it is a fact that the District Judge had no time for a number of years to look into the

ıct VIII Probate and Insolvency cases which had remained pending or orders?

(*h*) Will the Hon'ble Minister be pleased to state the number of uch cases which have been taken up by the present District Judge ince he has taken charge of the districts?

(*i*) Will the Hon'ble Minister be pleased to state whether there is ıny other single judgeship for three districts in Bengal?

(*j*) Will the Hon'ble Minister be pleased to state whether it is a act that the Subordinate Judge of Dinajpur is also the Subordinate udge of Jalpaiguri?

(*k*) Will the Hon'ble Minister please state whether it is a fact that oth the District Judge and the Subordinate Judge have often to remain ıway from the headquarters of Dinajpur at the same time?

(*l*) Will the Hon'ble Minister be pleased to state the number of ccasions when they were both away at the same time during the last hree years?

(*m*) Is the Hon'ble Minister considering the desirability of issuing an order to the effect that these two officers should not be absent from the headquarters of the district of Dinajpur simultaneously?

(*n*) Is the Hon'ble Minister considering the desirability of appointing a separate judge for the district of Dinajpur?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (*a*) Yes.

(*b*), (*c*) and (*e*) Statements regarding these clauses are laid on the Library table.

(*d*) Yes.

(*f*) Yes, it was due to want of time.

(*g*) The District Judge had very little time to exercise proper control over the guardians and annual accounts of the estates of minors were called for and scrutinised in very few cases. This cannot be said of Probate and Insolvency cases which were dealt with in due course.

(*h*) The present District Judge dealt with the accounts, called for and filed in about 400 Act VIII cases in which guardians had previously been appointed besides attending to the usual work in connection with the recent pending cases.

(*i*) No.

(*j*) Yes.

(*k*) An attempt is made to avoid the simultaneous absence of the District Judge and the Subordinate Judge from Dinajpur. But this does not always become possible owing to the District Judge's duties in

three districts. They have been away from Dinajpur at the same time on several occasions every year.

(*l*) On four occasions each during 1934 and 1935 and on two occasions during 1936.

(*m*) and (*n*) No.

Mr. KADER BAKSH: In view of the answers given to questions (*f*) and (*g*), will the Hon'ble Minister be pleased to state the reason why he does not think of having a separate judgeship for Dinajpur, as it is stated that for want of time, the required inspection of the outlying subordinate courts could not be made and also that the District Judge had very little time to discharge his duties properly?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: The matter is now receiving my attention. I cannot say what can be done at once, but the matter will have my serious consideration.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that some persons have been detained in *hajat* and owing to the absence of both the District Judge and the Subordinate Judge, bail applications could not be filed, and this has caused the good deal of hardship to the people?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: It is quite possible.

Terrorist Outrages.

91. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of terrorist outrages during the last 12 months in the province of Bengal, district by district, and month by month;

(*ii*) the number of persons who have been served with restraint orders of any kind during the period; and

(*iii*) the number of cases declared by the judicial authorities as falsely instigated by the police, implicating innocent persons?

(*b*) Is it a fact that in some cases it is to the interest of the Special Branch Police staff to start cases on insufficient or on no materials at all in order to prove the existence of a situation in the province which would justify the continuance of the various repressive laws as well as

the maintenance of an inflated staff of spies and informers together with their special extra allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The following cases of violence were committed by terrorists during the period of 12 months ending in July 1937:—

(*i*) one murderous assault (February, 1937) in Chittagong;

(*ii*) one assault (April 1937) in Mymensingh; and

(*iii*) one highway robbery (July 1937) in Dacca.

Moreover, 8 revolvers (or pistols), 6 guns, 51 cartridges for revolvers and one bombshell were recovered during this period. There were 2 cases of theft of firearms.

(*ii*) Forty-six under section 2, Bengal Criminal Law Amendment Act, 1930. I have not been able to ascertain what restrictive orders, if any, were passed by District Officers in this period.

(*iii*) None.

(*b*) Certainly not, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what are the materials which led him to conclude that the murderous assault made in Chittagong was due to terrorism or that the assault in Mymensingh was due to terrorism and that the highway robbery which took place at Dacca was brought about by the terrorists?

The Hon'ble Khwaja Sir NAZIMUDDIN: The persons who were arrested, had been taking part in terrorist conspiracies.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if there were any prosecutions against the alleged accused persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, there was a prosecution in the case of Chittagong and in Dacca, the people were arrested, and , I believe, the case is going on.

Mr. LALIT CHANDRA DAS: So far as the Chittagong case is concerned, who were the accused and upon whom was the assault committed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The assault was committed on a person who was supposed to be an informer and the condition in which he was left there, was pitiable.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to the answer that one highway robbery was committed at Dacca in July, 1937, will the Hon'ble Minister be pleased to state whether it is a fact that of the accused persons two were detenus who were home interned?

The Hon'ble Khwaja Sir NAZIMUDDIN: Two were certainly detenus who were either home interned or released under certain conditions.

Mr. LALIT CHANDRA DAS: What is the result of the Dacca case?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not yet over.

Mr. LALIT CHANDRA DAS: So far as answer (*a*) (*i*) is concerned regarding the recovery of revolvers, etc., in which place were these things discovered?

The Hon'ble Khwaja Sir NAZIMUDDIN: In various places. One of them, I remember, was at Faridpur and another at Dacca.

Appointments by Chittagong District Judge.

92. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state how many appointments have been made by the present District Judge of Chittagong?

(*b*) Out of the total appointments made by him—

(*i*) how many are in the upper or superior grades;

(*ii*) how many are in the lower grade; and

(*iii*) how many are for menials?

(*c*) Out of these appointments, how many have been given to Moslems respectively?

(*d*) What is the percentage of Moslem employees in all the offices under the jurisdiction of the District Judge of Chittagong?

(*e*) Will the Hon'ble Minister be pleased to state why sufficient number of qualified Moslems have not been taken by the present District Judge of Chittagong as required by the Government Circular?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) 127.

(*b*) (*i*) One (Christian).

(*ii*) 24.

(*iii*) 102.

(*c*) Upper Division—Nil. Lower Division—8. Menials—35.

(*d*) Clerical establishment 40 per cent. and menials 36·4 per cent.

(*e*) As the figures show, there has been no breach of the terms of any Government Circular in the matter of these appointments.

Congress Organisations in Midnapore.

93. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Honble Minister in charge of the Home Department aware that the ban on all Congress organisations in Bengal has been removed except those in the district of Midnapore?

(*b*) If so, will the Hon'ble Minister please state why the ban on such organisations in Midnapore has not yet been removed?

(*c*) Will the Hon'ble Minister please state whether the Government are contemplating to remove the said ban?

(*d*) If so, when?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There are Congress organisations in other districts of Bengal which are still under the ban.

(*b*) to (*d*) The policy of Government in this as in other matters is one of progressive amelioration and removal of the restrictions will be considered in due course.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister please give me an idea of the time by which the matter will be considered.

The Hon'ble Khwaja Sir NAZIMUDDIN: Various forms of restriction wherever possible are withdrawn every month. It is a continuous process.

Mr. LALIT CHANDRA DAS: When is the ban on the Comilla Abhay Asram likely to be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is under consideration and perhaps it will be removed soon.

Mr. LALIT CHANDRA DAS: May I have an idea as to the meaning of the word 'soon'? Will it be within a month?

The Hon'ble Khwaja Sir NAZIMUDDIN: A month or two.

Mr. SHRISH CHANDRA CHAKRAVERTI: By what time will the ban on Midnapore be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to tell about all the bans in Midnapore. As I have said, the matter is under consideration and I have asked the District Magistrate to submit his reports from time to time and they will be considered accordingly.

Ferry Ghat at Debhata.

94. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether Government would apportion the proceeds of the Taki-Sreepur (Debhata) Ferry to the Debhata Municipality as recommended by the District Magistrate of Khulna in his letter No. 5510J., dated the 28th August, 1931, owing to the fact that the Debhata Municipality has to maintain the approaches to the ferry *ghat* without getting any return from the proceeds.

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): The question will be examined.

Mr. RANAJIT PAL CHOUDHURY: May we know when a final decision is expected to be arrived at?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: It is very difficult to give an idea of the time when the decision will be arrived at, because there are various factors which have to be taken into consideration and the number of claimants is more than two.

Labour Representation to Municipalities.

95. Mr. KANAI LAL GOSWAMI: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what steps, if any, have been taken to constitute industrial constituencies for the representation of labour by election in those municipalities where the Local Government under clause (*1*) of sub-section (*1*) of section 18 has hitherto appointed members by increasing the proportion of nominated seats, thereby depriving the benefit

of increased representation through election conferred by section 16 of the Bengal Municipal Act, 1932?

The Hon'ble Mr. SYED NAUSHER ALI: The matter is under my consideration.

Abolition of Thanas in Murshidabad District.

96. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that by the abolition of some of the thanas in the district of Murshidabad such as Kagram, Gokarna, Doulatabad, it has become difficult for the thana officers to pay prompt attention to crime reports and the public are feeling inconvenience also?

(*b*) Is the Hon'ble Minister aware that representations have been made to the Inspector-General of Police through the Superintendent of Police, Murshidabad, for restoration of some of the thanas so abolished and that the proposal was supported by the resolution of public meeting and members of some of the local bodies?

(*c*) If the answers be in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken to redress the aforesaid public grievances?

(*d*) If the Hon'ble Minister has no information in this connection, is he considering the desirability of making an enquiry into the facts?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Such complaints have been received.

(*b*) Yes.

(*c*) The matter was referred to the Committee which was appointed recently to hold an enquiry into the unarmed branches of the Bengal Police. Their recommendations are under the consideration of Government.

(*d*) Does not arise.

Rai SURENDRA NARAYAN SINHA Bahadur: When can we expect to know the result of the enquiry and that of consideration by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is difficult to give any approximate date.

Medical Officer for Sakhawat Memorial Girls' Hostel.

97. Mr. KADER BAKSH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there

is any Medical Officer attached to the Sakhawat Memorial Girls' Hostel?

(b) Is the Hon'ble Minister aware that the present hostel building is unsuitable as a house for accommodating boarders from the sanitary point of view?

(c) Was any boarder of the hostel attacked with any serious disease during the second week of August, 1937?

(d) If so, is it a fact that no medical aid could be given her for more than 24 hours?

(e) Is it a fact that the Superintendent of the hostel wrote to the uncle of the girl, who happened to be in Calcutta to attend the Assembly session, either to make arrangements for her treatment or to remove her from the hostel?

(f) Are the Government considering the desirability of appointing a medical adviser to the Sakhawat Memorial Girls' Hostel to give immediate and timely assistance to the boarders in need?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) Yes, from the 18th August, 1937.

(b) The building of the hostel is an old one but not unsatisfactory from the sanitary point of view.

(c) In the beginning of the second week of August, 1937, a boarder suffered from stomach pain.

(d) As no Medical Officer had been appointed up to that time, it was not possible to afford immediate and proper medical aid; such help as was possible was given to the patient at once.

(e) Yes, as the Lady Doctor had not been appointed up to that time the Superintendent of the hostel thought it best to request the guardian to have the girl treated at home.

(f) A Lady Doctor was appointed on the 15th August, 1937, and she joined her post on the 18th August, 1937.

Sports Stadium in Calcutta.

98. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether he has received a representation on behalf of an influential body willing to form a limited company or syndicate, offering to build an up-to-date Sports Stadium in Calcutta, provided reasonable facilities and a suitable site, essential

for the success of such an undertaking, are made available to them;

(*b*) whether the long stretch of land on the north-west corner of Eden Gardens has been proposed as the most suitable site;

(*c*) whether it is a fact that this site was informally considered to be desirable by the Calcutta Police from the point of view of public safety and traffic control;

(*d*) whether the Hon'ble Minister is aware that sports are rapidly developing in Bengal, and that the huge crowds of spectators always cause great anxiety to the police and the people alike;

(*e*) whether it is a fact that the objection of the Military authorities to any kind of encroachment on the Calcutta Maidan was some time ago found not to be insuperable in respect of this site, provided a financially sound and in every way practicable scheme could be evolved;

(*f*) whether the Hon'ble Minister has taken up the matter with the Military and Police authorities after he received the aforesaid representation;

(*g*) the result or progress of such a consultation, if there has been any;

(*h*) whether it is a fact that the body on whose behalf the said representation was made, is prepared to sink eight to nine lakhs of rupees to build a Sports Stadium on modern and scientific lines with an imposing front elevation worthy of the city of palaces, providing accommodation for sixty thousand people with ample staircases, ramps and passageways to permit easy and safe entry and exit;

(*i*) whether it is a fact that in the said representation the Home Department of the Government of Bengal have been invited to appoint an official Committee to sit with the engineers, architect and representatives of the body on whose behalf the representation has been made, to examine plans, designs, estimates, etc., of the proposed stadium and to so alter, modify or amplify the scheme, if necessary, as to make it acceptable both to the Civil and Military authorities concerned;

(*j*) whether the Hon'ble Minister has come to any decision;

(*k*) whether the matter was or will be placed before the Council of Ministers and discussed by them under the Presidency of His Excellency the Governor of Bengal;

(*l*) whether there is any possibility of the decision of the Home Department and of the Government as a whole being announced before the end of the current year, if not earlier;

(*m*) whether the Hon'ble Minister is aware that the existing ill-constructed, old-fashioned and uncomfortable spectators' stands in the Maidan afford shamefully meagre and scanty accommodation and Indian spectators at big football matches have to struggle hard to get admittance to these stands and have to dolefully wait for long, long hours, while either being scorched by the tropical sun or drenched to the skin by the rains of our proverbial monsoon;

(*n*) whether the Hon'ble Minister is aware that thousand others who are less fortunate have to remain outside and share the same fate without seeing anything of the game; and

(*o*) whether the Hon'ble Minister is considering the desirability of removing this long-standing want at the earliest possible opportunity?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) I have no information.

(*d*) and (*e*) Yes.

(*f*) to (*j*) and (*o*) The representation is under consideration.

(*k*) The representation will be dealt with in the usual manner.

(*l*) I regret I cannot give a definite date by which Government will be able to come to a decision.

(*m*) and (*n*) Yes.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With reference to answer (*e*) may I know if the Hon'ble Minister ascertained the truth of the statement from the Military authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is yes.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With regard to (*i*) will the Hon'ble Minister form an official Committee as suggested in my question?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter is under consideration and I cannot give any undertaking before Government have considered the proposals.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I know why the Hon'ble Minister did not obtain the information asked for in (*c*) from the Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever recommendations the Commissioner of Police may make are confidential. As far as Government are concerned, they are considering the matter.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With reference to Hon'ble Minister's answer (*k*) may I know what is meant by "usual manner"?

The Hon'ble Khwaja Sir NAZIMUDDIN: The usual manner in which Government departments deal with the subject.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Do I take it that the Hon'ble Minister has made his answers laconic because my questions had to be lengthy?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so.

Release of Detenus.

99. Rai BROJENDRA MOHAN MAITRA Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what steps have been taken by this time to implement the statements he made in the Legislature about the release of the detenus and repatriation of Andamans prisoners;

(*b*) how many of the village internees have been released during the last fornight;

(*c*) how many of the village internees have been interned at home;

(*d*) how many of the detenus confined in the jails of Bengal have been village interned;

(*e*) how many externees have been brought back to Bengal;

(*f*) whether it is contemplated to keep all of them at Hijli Camp as announced in the newspapers;

(*g*) how many applications have been received by the Home Department from guardians and other public men giving assurance of the future good conduct of the detenus, if released;

(*h*) how many such applications have been accepted and detenus released on the assurance; and

(*i*) how many of the State prisoners have been brought back to Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Every effort is being made to implement the policy of Government regarding the release of detenus.

The repatriation of the Andamans prisoners is under consideration.

(*b*) During the fortnight ending the 12th September last one village internee was unconditionally released and three were conditionally released.

(*c*) Twenty-eight village internees have been transferred to home domicile.

(*d*) Sixty-one detenus from jails and camps have been village interned.

(*e*) Orders for the conditional release of one externee and the unconditional release of another were issued during the fortnight.

(*f*) No. State prisoners from Bengal who have hitherto been detained in other provinces will be accommodated there.

(*g*) Six.

(*h*) One application has been accepted: the others are under examination.

(*i*) Orders have been issued for the return of all the State prisoners to Bengal.

Mr. LALIT CHANDRA DAS: With reference to answer (*a*) may I know how many prisoners from the Andamans the Government of Bengal have asked the Government of India to repatriate so far?

The Hon'ble Khwaja Sir NAZIMUDDIN: Between 25 and 28.

Mr. LALIT CHANDRA DAS: How many Bengali prisoners are there in the Andamans?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question has been answered and I would refer the hon'ble member to the answer given in this House some time during this session or the last session.

Mr. LALIT CHANDRA DAS: Then taking the number of political prisoners in the Andamans to be over 200, may I know why the Bengal Government have asked for the repatriation of so few of them?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question of repatriation of the Andamans prisoners is going to be discussed at a conference about which I have mentioned in this House already and that conference will be held very soon.

Mr. LALIT CHANDRA DAS: Why then before this conference was held, has the Hon'ble Minister issued orders for the repatriation of some of the prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government thought it advisable that these 25 men should be brought immediately.

Mr. LALIT CHANDRA DAS: Is it a fact that when this question was agitated in this and in the Lower House a definite promise was made by the Home Minister that as soon as the Andamans prisoners gave up the hunger-strike they would be repatriated irrespective of the question whether there was conference or no conference?

Mr. KADER BAKSH: Is the hon'ble member entitled to refer to any question in the Lower House?

Mr. LALIT CHANDRA DAS: Even if it is not referred to the Lower House, the Upper House remains, where the promise was made.

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly at no time was such an understanding given to any member of this House.

Mr. LALIT CHANDRA DAS: With regard to answer (*a*), may I know why implementing the policy of the Government regarding the release of the Andamans prisoners is making such a snail's progress?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not a snail's progress. Orders are being issued continuously and very soon a very large number of orders will be issued.

Mr. LALIT CHANDRA DAS: May I know from the Hon'ble Home Minister as to the length of time after which we may expect to see the end of this implementing the policy of Government regarding the release of detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: No time can be prescribed because it will all depend on the effect of such release.

Promotion of Sub-Deputy Collectors.

100. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state on what principles Sub-Deputy Collectors are promoted to Deputy Collectorships?

(*b*) Is the Hon'ble Minister aware that these promotions often come as a surprise as officers of outstanding merit with uniformly good record are often superseded by men of the ordinary run?

(*c*) Are character rolls of all senior officers who get nominated by Collectors examined before they are superseded?

(*d*) Is it contemplated that in future such promotions will be made by the Public Service Commission?

(*e*) Does the Hon'ble Minister consider the desirability of examining the character rolls of all senior officers with fairly good record before making these promotions?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) At the time of making promotions full consideration is given to the merit, seniority and age of eligible members of the Bengal Junior Civil Service.

(*b*) No.

(*c*) Yes.

(*d*) It is proposed that in future promotions will be made by Government on the advice of the Public Service Commission.

(*e*) Does not arise.

Khan Bahadur ATAUR RAHMAN: Is it permissible, in case an officer of this service, once superseded, to be again promoted to the higher service shortly thereafter?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite possible, Sir.

Khan Bahadur ATAUR RAHMAN: With reference to answer (*a*), will the Hon'ble the Home Minister be pleased to state whether in the case of promotions service rolls and other things of the persons promoted are examined by the Minister himself or by the office?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far, these things have not come up before the Ministers in the last 9 months that they have been here. So, what is the good of asking such a question?

Representation on Senate of Calcutta University.

101. Dr. ARABINDA BARUA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state on what basis nominations are made to the Senate of the Calcutta University?

(*b*) Is it a fact that so far as is practicable nominations are made with a view to secure representation of the different communities?

(c) Is it a fact that there is no Buddhist representative on the Senate of the Calcutta University?

(d) If so, is the Hon'ble Minister considering the desirability of taking steps for securing representation of the Buddhist on the Senate of the University?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the ministers in charge of the Education Department): (a) The hon'ble member is referred to clauses (1) and (4) of section 6 and section 10 of the Indian Universities Act, 1904.

(b) Subject to the provisions of the Act, the claims of different communities are considered by the Chancellor in making nominations.

(c) Yes.

(d) No.

Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state the meaning of the word "communities" as used in answer (b)? Whether they refer to religious, moral, or any other thing?

The Hon'ble Mr. NALINI RANJAN SARKER: The meaning of the word "communities" used here is as is understood in the English language and usuage.

Grant to non-Government Arts Colleges.

102. Khan Bahadur MUHAMMAD ASAF KHAN: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a 10 per cent. cut on annual grant-in-aid to non-Government Arts Colleges, and on the annual grants for non-Government College hostels, was imposed in 1932 on grounds of financial stringency?

(b) Is it a fact that a 10 per cent. cut on the salaries of Government servants was also imposed about the same time on the same grounds?

(c) Is it a fact that the cut on the salaries was subsequently fully restored?

(d) If so, will the Hon'ble Minister be pleased to state whether the Government are contemplating to restore the annual recurring grants to non-Government Arts Colleges, in view of the improvement of the financial position of the Government?

(e) Is it a fact that the annual capital grant to non-Government Arts Colleges used to be Rs. 1,29,000 until the year 1933?

(*f*) Is it a fact that the said annual capital grant was reduced to Rs. 45,000 in 1934 on account of financial stringency?

(*g*) If so, will the Hon'ble Minister be pleased to state whether the Government are contemplating to restore the said annual capital grant to the original figure?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the minister in charge of the Education Department): (*a*) Yes, but the cut in the grants to hostels is much higher and was imposed with a view to making them self-supporting.

(*b*) and (*c*) Yes.

(*d*) The matter is under consideration.

(*e*) No; no grant was paid in 1930-31, 1932-33 and 1933-34, while half the amount was paid in 1931-32.

(*f*) Yes.

(*g*) The question is under consideration.

Khan Bahadur MUHAMMAD ASAF KHAN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state when the decision is likely to be arrived at in the near future or in the distant future?

The Hon'ble Mr. NALINI RANJAN SARKER: An indication will be given in the next year's budget.

Khan Bahadur MUHAMMAD ASAF KHAN: With reference to answer (*g*), may I inquire when the decision will be arrived at?

The Hon'ble Mr. NALINI RANJAN SARKER: The answer is the same, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. My question No. 129 in the sixth list of the last session has not yet been answered, although a fresh notice has been given. Further, five or six questions of this session also are still pending for answer, even though more than one month's notice has been given.

Khan Bahadur ATAUR RAHMAN: Sir, the same is the case with me also.

Begum HAMIDA MOMIN: I also have a question which is still unanswered.

Mr. LALIT CHANDRA DAS: My questions also have not been answered.

Several other members rose to make the same complaint.

Mr. PRESIDENT: Yes, I find that there are still a number of questions to be answered. As to-day is likely to be the last day of this session I am anxious to put through as many of the questions as possible. It was not possible for my office to have all the answers as well as the questions printed, because, the answers were received from Government departments very late. I would therefore read out the questions of the various members, and the Ministers concerned might answer them from their manuscripts. Of course, there will be the difficulty of asking supplementary questions but this cannot be helped to-day.

Deputy Collectors and Munsifs.

103. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Deputy Collectors and Munsifs were recommended by the Swan Committee to be employed in the Province?

(*b*) What is the number of Deputy Collectors and Munsifs now actually employed?

(*c*) If there is any difference between the figures recommended and the figures actually employed, will the Hon'ble Minister be pleased to state why the recommendation was not fully given effect to?

(*d*) What will be the savings if the recommendations are given effect to?

(*e*) Will the Hon'ble Minister please state why most of the works concerned cannot be done by Sub-Deputy Collectors and Assistant Munsifs as recommended by the Swan Committee?

(*f*) Are not Sub-Deputy Collectors recruited on the result of the same competitive test?

(*g*) Will the Hon'ble Minister please state the reasons for maintaining a costly staff when it can be avoided?

(*h*) Will the Hon'ble Minister please state the reasons why Assistant Munsifs on the same emoluments as Sub-Deputy Collectors are not employed for doing routine rent suits and other less responsible works?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Questions regarding the cadre of Munsifs should be addressed to Hon'ble Minister in charge of the Judicial Department. The following replies relate to the cadre of the Bengal Civil Service and the Bengal Junior Civil Service.

The Swan Committee recommended the reduction of the cadre of the Bengal Civil Service to about 200.

(*b*) The cadre of the Bengal Civil Service is now 265.

(*c*) The recommendation of the Committee was not immediately practicable since arrangements would have had to be made for the discharge of the duties till then performed by members of the Bengal Civil Service. The re-organisation of the cadre of the Bengal Civil Service is now under consideration with a view to meeting present day requirements.

(*d*) The savings would have been Rs. 29,000 per mensem, if no increase in the cadre of the Bengal Junior Civil Service had been necessary. This would not have been the case. As a measure of economy the cadre of the Bengal Civil Service is at present about 60 under strength, the total annual saving being about Rs. 3,54,000.

(*e*) Government do not consider that members of the Bengal Junior Civil Service are generally equal to the discharge of the duties of Deputy Collectors.

(*f*) Yes, in respect of direct recruitment.

(*g*) Does not arise in the light of the answers to (*e*) above.

(*h*) This question should be addressed to the Hon'ble Minister in charge of Judicial Department.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it is very difficult to put supplementary questions under these circumstances. Still, I think I should ask one question. The recommendation of the Swan Committee was to reduce the number of Bengal Civil Service men from about 265 to 200. Why then new appointments are still being made at the same rate as they used to be made before?

The Hon'ble Khwaja Sir NAZIMUDDIN: The then Government did not accept the recommendation of the Swan Committee in this respect.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: And why? May I know the reason why it was not accepted?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are many reasons.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the present Government propose to consider the question of reduction in the number of Bengal Civil Service officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: The reorganization of the cadre of the Bengal Civil Service is now under consideration with a view to meeting present-day requirements.

Mr. PRESIDENT: I find that there are difficulties in the way of putting supplementary questions in the absence of printed answers. If necessary, supplementary questions may be put in the shape of fresh questions for the next session.

Bhatpara Municipality.

104. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the late Vice-Chairman Rai Saheb Dasarathi Bhattacharyya is a member of the Education Committee of the Bhatpara Municipality?

(*b*) Is it a fact that the Rai Saheb has resigned from the Commissionership?

(*c*) If so, has the vacancy in the committee caused by the resignation been filled up?

(*d*) Is the present Chairman a member of the Education Committee?

(*e*) Is it a fact that his relatives Pundit Sreejut Monamatha Nath Tarkathirtha, a teacher of the Authpore Girls' School and Pundit Sreejut Panchanon Tarakathirtha are receiving aid?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) Rai Sahib Dasarathi Bhattacharyya submitted resignation of his office of Vice-Chairman and Commissioner. His resignation of the office of Vice-Chairman was accepted by the Commissioners at a meeting, but he was asked to reconsider his resignation of his office of Commissioner.

(*c*) Does not arise.

(*d*) Yes.

(*e*) No municipal grant has been drawn in the name of any teacher of the Authpore Girls School. Pundit Sreejut Manmatha Nath Tarkathirtha and Pundit Sreejut Panchanon Tarkathirtha have been receiving municipal grants in aid for tols since long before the time of the present Chairman.

Number of Budhist residents in Bengal.

105. Dr. ARABINDA BARUA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what is the total number of Budhist residents in Bengal?

(*b*) Is it a fact that their number is larger than that of the Anglo-Indians, of the Indian Christians, of the Jews and of other minority communities?

(*c*) Are the claims of the Budhists considered—

(*i*) at the time of nomination to the different local bodies; and

(*ii*) at the time of appointment to Government services in different districts?

(*d*) Is the Hon'ble Minister considering the desirability of reserving certain percentage of services for them?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The number of Budhist resident in Bengal at the time of the last census was 3,16,031

(*b*) This number is larger than the number of Anglo-Indians Indian Christians or Jews, but less than that of some other minority communities and backward classes.

(*c*) (*i*) This question concerns the Department of Public Health and Local Self-Government and the hon'ble member is requested to address the Hon'ble Minister in charge of that Department.

(*c*) (*ii*) and (*d*) The claims of Budhists for appointment in certain services of Government are considered along with the other communities classed as "Minority Communities and Backward Classes." It is not considered possible to reserve a percentage of appointments for Budhists within the category of "Minority Communities and Backward Classes."

Budhists serving in the Provincial and Subordinate Services.

106. Dr. ARABINDA BARUA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the number of Budhists serving in the Provincial and Subordinate Services under the various Departments of the Government and their number in the Secretariat clerical services and also in the clerical services in the different districts of Bengal?

(*b*) Is it a fact that with the exception of the Bengal Medical Service no Budhist has even been directly appointed to any of the Provincial services?

(*c*) Is it a fact that the Budhists are absolutely unrepresented in the Secretariat clerical services and in the clerical services under the Heads of the various departments?

(*d*) If the answers to (*b*) and (*c*) be in the affirmative, will the Hon'ble Minister please state what steps he proposes to take in order to secure proper representation of the Budhists in the services?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The collection and compilation of the information required would involve an expenditure of labour and time which Government are not prepared to undertake.

(*b*) The information may be obtained from the Hon'ble Minister in charge of the Public Health and Local Self-Government Department.

(*c*) I have no information.

(*d*) The recruitment rules make suitable provision for the entrance of Budhists into the public services.

Repatriation of Andaman prisoners.

107. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that on the 25th August 1937, Mr. Muddie in the Central Legislative Assembly in reply to Mr. M. A. Jinnah, said that the Government of India would have no objection if the Government of Bengal wanted to repatriate the Andamans prisoners?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state whether he is taking steps to repatriate them to Bengal?

(*c*) If so, when?

(*d*) If the answer to (*a*) be in the negative, is the Hon'ble Minister considering the desirability of ascertaining the oponion of the Government of India in this connection?

(*e*) If the opinion of the Government of India was as mentioned in the question in clause (*a*), will the Hon'ble Minister please state when he will take action to repatriate the Andamans prisoners?

(*f*) Will the Hon'ble Minister be pleased to state whether there has been any case of death among hunger-strikers in the Andamans?

(*g*) If so, when?

(*h*) How many of them died?

(*i*) What is the name of those who died?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The attention of the hon'ble member is invited to the communique issued by the Government of India on the 26th August last on this subject.

(*b*) to (*e*) I have nothing to add to the full statements made by me on this subject.

(*f*) No.

(*g*) to (*i*) Do not arise.

Proposed Howrah Improvement Trust.

108. Mr. BANKIM CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the sources of revenue for the proposed Howrah Improvement Trust were practically settled at the Conference held at Writers' Buildings on the 24th August, 1936?

(*b*) How far has the scheme for a sewerage in the town of Howrah proceeded?

(*c*) Is it a fact that the Calcutta Improvement Trust authorities have already prepared a rough plan showing the sewers, roads, parks and other improvement works needed together with a rough estimate for the same?

(*d*) If so, will the Hon'ble Minister be pleased to state what the estimate amounts to?

(*e*) Is the Hon'ble Minister considering the desirability of calling another conference of representatives of the public bodies affected at a very early date?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) No. Certain possible sources of revenue were considered at the conference but no final decision was reached.

(*b*) The temporary staff required for the preparation of the sewerage project has been sanctioned and the Chief Engineer, Public Health Department, will take up the work from November next.

(*c*) and (*d*) The hon'ble member is referred to the reply given to clauses (*a*) to (*f*) of question No. 136 asked by him in the last Session of the Council.

(*e*) The question of a conference will be considered as soon as materials are ready.

Mr. BANKIM CHANDRA DATTA: Is the Hon'ble Minister aware that so far as the Public Health Officer is concerned, he has examined the sewerage and is quite ready to carry on but only waiting instructions from the Local Self-Government Department?

The Hon'ble Mr. SYED NAUSHER ALI: I think the hon'ble member is not correct in his statement of facts.

Mr. BANKIM CHANDRA DATTA: I had a direct discussion with Mr. Griffin in this connection. I do not propose to go further than that.

Khan Bahadur ATAUR RAHMAN: Will there be an additional tax on us if we go to Howrah after the improvement?

No answer was given to this.

Training of Mistresses for Upper Primary Schools in Chittagong Division.

109. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether according to the proposals of the School Managing Committee of the local Doctor Khastgir's High English School and the Assistant Inspectress of the Chittagong Division, Government contemplate to open a training class for training of mistresses for Upper Primary School in the Chittagong Division?

(*b*) If not, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) No.

(*b*) The school is very cramped and any extension of its work would need additional buildings and staff.

Grievances of the Calcutta University Press Workers.

110. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that he in reply to question No. 87 (*c*), on the 11th August 1937 on the floor of this House stated that the University authorities have been asked for a report regarding the grievances of the Calcutta University Press workers?

(*b*) Will the Hon'ble Minister be pleased to state whether he has received the said report from the University authorities?

(*c*) If not, will the Hon'ble Minister be pleased to inform the House when he can expect the report from the authorities of the University?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) and (*c*) I am informed that the Calcutta University has appointed a Committee to examine and report on the conditions of service in the University Press as compared with some other presses in Calcutta and to consider their grievances.

Secondary Education Bill.

111. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the proposed Secondary Education Bill is going to be introduced at an early date?

(*b*) Will the Hon'ble Minister be also pleased to state whether a number of new appointments have been made in the University Law College during the present session?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state the names of the persons appointed, showing how they are related?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) No decision has yet been arrived at as to the date.

(*b*) I have no information.

(*c*) Does not arise.

Education Cess in Mymensingh.

112. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that in the district of Mymensingh, zemindars are being served with notices to the effect that they will be called upon to pay the Education Cess for the current financial year?

(*b*) Is it contemplated to send revenue Collectors to visit the different subdivisional headquarters of the district for the purpose of assessment?

(*c*) Are the Government in view of the deep-seated economic depression and in consideration of well-grounded representations for exemption from payment of the Education Cess made by both zemindars and tenants of the district considering the desirability of issuing orders stopping further operations in respect thereto?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) A Special Education Cess Officer was appointed by Government to give any help and advice to the staff of the zemindars and tenure-holders which they were willing to accept in the matter of assessing the cess of their under-tenants. Under the Primary Education Act notices stating the amount of cess for which they are liable are issued to the holders of estates only. But printed notices have been published broadcast with the intention of enabling both the tenure-holders and *ryots* to

calculate for themselves the amount of Education Cess which they will be liable to pay or to collect as the case may be, on the basis of their existing Road and Public Works Cess.

(*c*) No.

Practising School, attached to the Government Moslem Female Training School.

113. Begum HAMIDA MOMIN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the number of girls attending the Practising School attached to the Government Moslem Female Training School?

(*b*) Is it a fact that Muslim girls do not come to this school in large number for want of a suitable conveyance?

(*c*) If the answer to (*b*) be in the affirmative, does the Hon'ble Minister consider the desirability of sanctioning a motor bus for this school?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) 22.

(*b*) I am not aware of this.

(*c*) The question of improving the arrangement for the conveyance of these children is under consideration.

Rai MANMATHA NATH BOSE Bahadur: May I bring it to the notice of the Hon'ble President that I sent some questions about three weeks ago but unfortunately they have not yet been replied.

Mr. PRESIDENT: The Secretary will please take a note as to how many questions are due to be answered, I mean the questions that satisfy the fifteen days' notice. The House will have to protect its right of getting answers within fifteen days. If in the next session any laches of this rule occurs, I shall take steps to ensure prompt compliance with the rules.

Rai SURENDRA NARAYAN SINHA Bahadur: In answering some questions both in this session and in the previous session the Hon'ble Ministers were pleased to say that statements were laid on the library

table. May I ask whether those statements will form part of the proceedings and will be included in the official report?

Mr. PRESIDENT: Certainly they will be incorporated in the official report unless they are very big.

Mr. HUMAYUN KABIR: With regard to the proceedings of the Bengal Legislative Assembly are we not entitled to get copies of them?

Mr. PRESIDENT: I understand that proceedings of both the Houses will be supplied to you.

Mr. HUMAYUN KABIR: But I have not got the proceedings of the first session of the Bengal Legislative Assembly.

The Hon'ble Khwaja Sir NAZIMUDDIN: The first session of the Bengal Legislative Assembly is not yet over.

Mr. HUMAYUN KABIR: The Hon'ble Minister is not correct. The first session was over within two days in April.

Mr. PRESIDENT: If there is any mistake in the supply of copies of proceedings, it will be brought to the notice of the department so that there may not be any omission in future.

For the questions which have not been replied to-day but of which fifteen days' notices have been received, I shall admit them without further notice for the next session.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I gave notice of some questions at the last session, but they have not been replied to, although a reminder was given this session.

Mr. PRESIDENT: I think there has been some misapprehension. So far as our rules go, after the prorogation of a session all the questions lapse and the hon'ble members are required to give fresh notices of those questions. But as a special case, with regard to questions of this session I shall dispense with the necessity of giving fresh notice, because on account of the laches of the administrative departments these questions could not be answered in this session.

Khan Bahadur ATAUR RAHMAN: One of my questions was not replied to and when I went to the office to enquire what had happened to it, I was told that I must send a letter giving notice. I complied with that requisition and still there has been no reply.

Mr. PRESIDENT: The Chair regrets that such things happened.

Khan Bahadur ATAUR RAHMAN: May we expect that these questions will be answered next session.

Mr. PRESIDENT: As I have told you already, I shall suspend the rules regarding notice of questions. I expected all the questions to be on the agenda paper whether the answers were ready or not.

Mr. HUMAYUN KABIR: Some of the answers were given to the effect that those questions did not belong to a particular department and the hon'ble member might refer to some other department. May we not in such cases suggest that questions be sent to the relevant department for answer?

The Hon'ble Mr. NALINI RANJAN SARKER: It is generally done.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it is very difficult sometimes as we have got so many questions to reply. It is very difficult to take them out and send them to the proper department.

The Hon'ble Mr. SYED NAUSHER ALI: The difficulty sometimes is that we ourselves do not quite realise which question is for which department. The difficulty of the members is no doubt greater; but still there are certain palpable things which cannot possibly escape the eye of any member and it would be better if the questions concerning different departments, are split up as sometimes a question concerns two or three departments and thus the difficulty may be avoided.

Mr. NARESH NATH MOOKERJEE: May I make a submission, Sir? If I remember aright, I heard you say from the Chair that to-day will be the last day of the session but according to the circular from your department 22nd and 23rd are mentioned as days for official business.

Mr. PRESIDENT: Those dates were provisionally fixed for the discussion of the Bengal Tenancy (Amendment) Bill, 1937. So far as I understand the Bill has not yet been considered by the other House

and I have not yet received any communication from the Home Department or from His Excellency. I am not sure whether the Council is going to be prorogued to-day.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I make one submission, Sir? I think it is my duty to tell you that on this side of the House we have very much appreciated all what you have said in regard to questions and answers but may I point out to you, Sir, that it is not possible for you to suspend any rule or standing order barring those in respect of which you have been specifically given discretionary power. It is better to tell the members that they will have to give fresh notices for questions that remain unanswered.

Mr. PRESIDENT: Are the hon'ble members agreeable to give fresh notices of questions that remain unanswered?

Mr. E. C. ORMOND: On a point of order, Sir. I take it that the House can suspend its own standing order. Therefore, if the House agrees to your suggestion, the standing order may be suspended to the purpose.

Mr. PRESIDENT: If the House is unanimous, the President can accept their suggestion and suspend any rules because the rules are made for the House and for its advantage.

The Hon'ble Mr. NALINI RANJAN SARKER: It will be a bad precedent if without giving notice any matter is taken up without the information of the House.

Mr. PRESIDENT: The Hon'ble Minister should realise that justice demands that fresh notices should not be insisted in the cases of questions, of which notices were given in the last session and again repeated in this session, but which are still unanswered inspite of repeated warnings from the Chair that members are entitled to have their answers on the fifteenth day. If the House is unanimous, I shall suspend the rules requiring notice.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I make a submission, Sir? If the standing order has got to be changed then certain procedure has got to be adopted. I think a committee shall have to be properly formed duly authorised to consider any definite proposal that may be made in connection therewith. I am afraid the standing order cannot be suspended or changed merely by taking a vote at this particular moment.

Mr. PRESIDENT: The leader of the Progressive Party well knows that in future there will be very little difference between Rules and Standing Orders in this country. The Rules of the Houses of Parliament are "admitted to be a part of the unwritten Law of the Land"; but ours being a statutory body we shall have to make our own rules. If there is any dissentient, I shall not suspend the rule. If the Leader of the Progressive Party objects to it, I shall have to ask the hon'ble members to give fresh notice; but if there is unanimity then I would waive the question of notice because there were no laches on the part of the members.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, it appears to me that this discussion is absolutely of an academic character because if the administrative departments agree then the question of notice does not practically arise.

Mr. PRESIDENT: I think the Hon'ble Finance Minister did not agree.

The Hon'ble Mr. NALINI RANJAN SARKER: I am afraid, I have been misunderstood. What I said was that it would be a dangerous precedent to suspend rules by taking votes of this House without proper notice. I have no objection to take up matters without notice, and I shall give reply without further notice.

Mr. PRESIDENT: If there is unanimity, in that case alone, I want to suspend the rule; otherwise if there is any objection, a single dissentient, I do not like to suspend the rule.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I make a submission, Sir, which is rather important. Without proper notice no rules can be suspended by merely putting the matter before the House. There are members who are absent and they may dissent.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I think the Hon'ble Minister is not right in saying that there are members who are absent who might dissent. So long we have a quorum we can carry on, but at the same time it must be done by a committee authorised to revise the rules. It cannot be done by taking votes on the floor of the House.

Mr. PRESIDENT: I am merely suspending a rule and not framing any for future action. As there is no dissentient and the House is of one mind, I direct that no fresh notices will be required.

Supplementary Statement of expenditure.

Mr. PRESIDENT: The House will now take up the discussion of the Supplementary statement of expenditure.

Mr. BANKIM CHANDRA DATTA: On a point of order, Sir. Would it be in order to discuss the supplementary statement of expenditure before we go into the Bills referred to in that statement, namely, the Bengal Legislative Chambers (Members' Emoluments) Bill, 1937, the Bengal Legislature (Removal of Disqualifications) Bill, 1937, and the Bengal Famine Insurance Fund Bill, 1937?

Mr. NAZIRUDDIN AHMAD: With regard to the objection that has been raised, I beg to submit that this statement is merely a formal affair. I think the real objection will lie at the time of framing the Acts, i.e., the passing the Bills. If the Bills are passed it stands and if the Bills, on the basis of which the supplementary budget is framed, are not passed this thing automatically goes out. I beg to submit that we are not called upon very much to say something on the statement. The whole thing depends on whether the Bills are passed or not. This is merely consequential on the passing of the Bills. After all this thing goes to the Lower House where it will have to be passed and we are simply to express an opinion. So I submit the point really does not arise.

Mr. HUMAYUN KABIR: Sir, this point was raised by me yesterday and you suggested that I should defer the discussion till to-day the point that has been raised by Mr. Dutta from the other side of the House. I not only add my voice to this but suggest that if the supplementary statement is before us in a way it prejudices our judgment. Some of the Bills we are considering; there are certain dispositions of money and there may be arguments about funds being available or otherwise but if a statement is prepared before and if it is suggested that the money is available provided the Bills are passed only in this way it is an attempt to influence our judgment. We already know that as a matter of fact as a result of the discussions on one of the Bills yesterday certain alterations have been made. There is no *prima facie* ground why other alterations will not be made. Therefore I submit that this question of supplementary statement may be left over till we have discussed all these Bills.

Mr. PRESIDENT: I would like to hear those who support the point raised by Mr. Datta.

Mr. LALIT CHANDRA DAS: In supporting Mr. Dutta I would draw the attention of the House to section 81 of the Government of India Act, 1935, which relates to the supplementary statement of expenditure. In that section it is stated "If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement....." Now, Sir, that section lays down "becomes necessary over and above the expenditure"; there is nothing in it to be anticipated in the original budget. Anticipatory expenditure can be put in but so far as the supplementary statements are concerned they ought to be definite and clear. Now along with this section I desire to read the explanatory memorandum in the supplementary budget, regarding Famine Relief Fund. "Section 4 of the Bill provides that an initial contribution of Rs. 5 lakhs is to be made to the fund." Suppose we pass this Bill to-day; it goes therefore that we contribute from the revenues of the province a sum of Rs. 5 lakhs to this fund. Our judgment is anticipated. So if the supplementary budget is passed immediately this means that we support an initial contribution of Rs. 5 lakhs to be made to the fund. Now we anticipate our judgment with respect to the Bengal Famine Insurance Fund Bill so that so far as this clause is concerned no amendment can be considered by the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: As we all know the salary of the President has already been increased to Rs. 2,000. This budget was submitted on the assumption that the salary of the President will remain at Rs. 1,500 and having regard to the fact that it has been increased so this budget is already defective so far as this is concerned and it has got to be amended.

Mr. PRESIDENT: Order, Order. I am afraid, there is a misconception in the minds of the hon'ble members about the purpose and scope of budgets. Budgets are framed generally on the actuals of past experience and probabilities of expenditure for the future and the Hon'ble Finance Minister by the Statute and the rules of the House presents an estimate for the discussion of this House. In this House we have no right to vote on those grants and the purpose of the presentation of the supplementary grant is simply to invite suggestions and criticism. When the amount voted in the original budget is found inadequate as also when need arises for a "New Service" not contemplated in the budget for the year, a supplementary budget is prepared. It is not a question of a surplus budget being discussed, but it is a supplementary budget. It is advantageous to the House that the Hon'ble Finance Minister has come beforehand, instead of waiting for a surplus grant. He puts his case before the Houses of Legislature

for criticism and sanction. He is in order to present the supplementary estimates in anticipation of the probabilities of expenditure during the remaining part of the budget session.

Now any hon'ble member is at liberty to offer comments on the supplementary budget.

Rai SURENDRA NARAYAN SINHA Bahadur: On a point of information from the Hon'ble Finance Minister. I could not find what is the income from the office of the Official Assignee. On the Expenditure side I find that the duties of the Official Assignee and the Official Receiver are almost identical. The clerks in the former office get Rs. 9,300; whereas the clerks in the other office get Rs. 38,880. What is the reason for so much difference?

The Hon'ble Mr. NALINI RANJAN SARKER: If Rai Bahadur comes to my office I will give him all the details. The income cannot be ascertained because we do not know yet what the income will be. Still we shall have to continue the Official Assignee's business. By mistake it was put as "charged" revenue in the original budget but subsequently we have been advised that it is not a "charged" one but it is votable. So it is merely a transformation.

Mr. BANKIM CHANDRA DATTA: I rise on a point of information, Sir. Will the Hon'ble the Finance Minister be pleased to say as to whether the Official Assignee's business have hitherto been run on a commission basis; and if so, what was the reason for changing that system to the present salary basis? Of course, it is not apparent from the supplementary statement of expenditure and that is really why we cannot make any comments on this.

Mr. PRESIDENT: The members are entitled to discuss the whole supplementary budget.

The Hon'ble Mr. NALINI RANJAN SARKER: In reply to Mr. Datta's query, I may inform him that the change was brought about by an Act of the Legislature passed last year.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I enquire whether the Supplementary Budget has been only considered?

Mr. PREIDENT: The House is considering it.

In the case of a supplementary grant even in the Lower House the general principles are not discussed; merely the items of expenditure on different heads are considered.

The Bengal Legislative Chambers (Members' emoluments) Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Legislative Chambers (Members' Emoluments) Bill, 1937, as passed by the Assembly on the 13th August last be taken into consideration.

The motion that the bill be taken into consideration, was put and agreed to.

Mr. PRESIDENT: The question before the House is that clause 2 stands part of the bill.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in clause 2 after the words "other than the" the words "each member of" be inserted.

I have suggested this amendment in order to make this provision clear.

Mr. HUMAYUN KABIR: Sir, I find that I suffer from the same misprint, because in the agenda the word "Government" appears in place of the word "Crown".

I beg to move that in clause 2 for the words beginning with "the Governor's Council of Ministers", and ending with "if any" the following be substituted, namely—

"the holder of any office of profit under the Crown in India carrying a fixed salary that is already in existence or may be created hereafter".

Sir, in defence of this amendment I only wish to add one or two sentences. This is to a certain extent only a simplification of what is already stated in the Bill. Various officers are mentioned by name and I want to include all of them under the general term, viz., the holder of any office of profit under the Crown in India carrying a fixed salary that is already in existence or may be created hereafter.

I may submit that this is nothing more than a verbal amendment.

Begum HAMIDA MOMIN: Sir, I beg to move that in clause 2 after the words "the President" the words "and the Deputy President" be inserted.

Sir, the intention of this amendment is to correct a mistake that has crept into this Bill and escaped the notice of the Assembly.

The Deputy President and the Deputy Speaker do not come under the category of "member" as defined in this clause and for the purpose of this Act. The Bill, as it stands, would, therefore, mean that both these officers will get the fixed salaries of their respective posts as well as the emoluments of an ordinary member. This, I believe, is not the

intention. The Ministers, the President, the Speaker, the Parliamentary Secretaries, if any, and all such officers who hold posts with fixed salaries in either of the two Houses, have been clearly excluded from the category of "member" as for the purpose of this Act, and it is clear that the Deputy President and the Deputy Speaker also come within this classification. Moreover, the salaries of the Ministers and the President have been considerably reduced in the present legislatures than what they were before. If the Deputy President and the Deputy Speaker get their fixed salaries in addition to the emoluments of an ordinary member, then their total amount of emolument will be much more than that of the Deputy President in the former Council. There is no justification for this. The duties of the Deputy President and the Deputy Speaker are very light. They hardly have any office work, and therefore, neither the responsibilities that it entails, and it is very seldom that they are called upon the discharge the duties of the President or the Speaker. Considering that we have a panel of four Chairmen, the necessity of these officers is very little. From the records of the old Council, we know that the occasions on which the Deputy President was called upon to preside was very rare indeed, and with a keen and capable President as we have in you and the Speaker in the Assembly, it is expected that such occasions will be rarer still.

With these words, Sir, I commend my motion to the House.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in clause 2 for the words "the said Council" the words "the said Bengal Legislative Council" be substituted, in order to make it more clear.

Begum HAMIDA MOMIN: Sir, I beg to move that in clause 2 after the words "the Speaker" the words "and the Deputy Speaker" be inserted.

I have already stated my reasons while speaking on my previous motion.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in clause 2 for the words "the said Asembly" the words "the said Bengal Legislative Assembly" be substituted.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 2 the words "or the holder of any office of the Legislature carrying a fixed salary that may be created hereafter" shall be added at the end.

Mr. PRESIDENT: The original motion that clause 2 stands part of the Bill as well as all the amendments are before the House and any member may now take part in the discussion.

Mr. NAZIRUDDIN AHMAD: I would submit that if we make a verbal alteration by a single jot and the Bill goes back to the other House then God alone knows what will happen. If the amendments are merely verbal ones I would suggest that they need not be pressed. But if there are any substantial amendments then they may be considered.

I oppose all the amendments that have been moved.

Mr. HUMAYUN KABIR: Mr. President, Sir, after what has been said by Begum Hamida Momin I would, only commend to the notice of the House that there has been reduction in the salary of all officers connected with the Legislature. The salary of the Ministers has been considerably reduced, the salary of the President has been considerably reduced and the salary of the Speaker has been fixed at a figure lower than that of the former President of the old Legislative Council. But I would here remind the House that the salary of the Deputy President of the Bengal Legislative Council of former days was rupees——.

SEVERAL MEMBERS: It was five thousand a year.

Mr. HUMAYUN KABIR: Even in that case, if we accept the amendment which has been moved by Begum Hamida Momin, there will be practically no reduction in the salary of the Deputy President and the Deputy Speaker. What I said yesterday in this connection I would like to repeat. Their functions are not very different from those of the ordinary members of the House. Besides, the Deputy President, or the Deputy Speaker should not be entitled to two salaries. That is the principle which the Government have followed in the case of Parliamentary Secretaries, Under-Secretaries and Private Secretaries. All these have been excluded from the operation of this Bill and therefore the Government have in principle accepted that a person should not draw double salaries. I think that the same principle should also apply to the Deputy President and the Deputy Speaker. I find that an hon'ble member has held out a veiled threat that if we make the slightest alteration in this Bill it will go back to the lower House. We were not afraid of sending another Bill to the lower House yesterday and I do not know why we should be afraid to do so to-day. I can assure you and every hon'ble member present in the House that this is a Bill on which there will be greater unanimity of opinion among the different members of different sections in the House than probably on any other Bill. Therefore, this sort of veiled threat seems to be entirely out of place and undeserved.

Mr. NAZIRUDDIN AHMAD: On a point of personal explanation, Sir, I held no veiled threat whatsoever but I simply tried to explain the legal position.

Khan Bahadur M. SHAMSUZZOHA: Sir, as regards the amendment moved by Mr. Humayun Kabir, he wants to substitute the following words "or the holder of any office of the Legislature carrying a fixed salary that may be created hereafter." Sir, there are some persons who hold some offices of profit under the Crown and under the statute of 1935, these persons have, by virtue of section 307 of the Government of India Act, 1935, the right to become members of the Legislature and it is provided that they should suffer no disqualification owing to their holding that office of profit under the Crown. Now, Sir, if this amendment is accepted that will create a contradiction so far as section 307 is concerned. I am therefore, Sir, of opinion that such an amendment, if carried in the House, will offend against section 307 and beg to submit that such an amendment will be *ultra vires* to section 307 of the Act. I may refer you to section 307 which runs thus: "For the purposes of the first elections of persons to serve as members of the Federal Legislature and of Provincial Legislatures, no person shall be subject to any disqualification by reason only of the fact that he holds—

(*a*) an office of profit as a non-official member of the Executive Council of the Governor-General or a Governor, or as a Minister in a Province;

(*b*) an office which is not a whole-time office remunerated either by salary or by fees."

So, Sir, if this amendment is sought to be inflicted on us, it will offend against section 307 and by that create disqualification which has been obviated by section 307.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: The same thing applies to State Railways servants because they draw pay under the Crown. They are also members like Mr. Gupta. If this amendment is carried so far as the State Railway servants are concerned, it will create further complication because they are allowed to seek elections and come here through the Trade Union constituencies like Eastern Bengal Railway constituency.

Mr. HUMAYUN KABIR: In connection with the objection raised in regard to my amendment, I submit that my amendment is in order and you have allowed it. That it is in order, is evident from the very fact that the Government introduced a section for the removal of such disqualification for this election.

Mr. PRESIDENT: You can only explain to remove a misunderstanding but you cannot speak twice.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to accord the whole-hearted support of this side of the House to the amendment moved by Mr. Humayun Kabir. In democracy it should always be the principle that the persons who are in some obligation to Government by service or otherwise should not be allowed to contest election. I think, those who are already in the employ of Government should not hold further appointment. That is what he wants to prevent here by this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Chakraverti should first read the Act.

Mr. SHRISH CHANDRA CHAKRAVERTI: I support the Bill but I submit that in addition to what we get as members we should not be allowed to draw further salaries. So, I think, it is a laudable object with which the amendment has been proposed. A man who is already enjoying a salary under the Government should not be allowed in addition to that to enjoy another salary. I think that is a sound principle and it will save the Exchequer of Government from further depredations of this nature. The Congress group is entirely in uanimity with this amendment.

Rai KESHAB CHANDRA BANERJEE Bahadur: I think my friend, Mr. Chakraverti, is evidently suffering from a confusion of ideas. Section 307, as has been pointed out by an hon'ble member from the opposite side, refers to the restriction which should not be imposed upon persons by reason of their holding office of profit under the Crown and the point raised by Mr. Humayun Kabir is evidently this that a person who has already been in receipt of some sort of remuneration from some other source, should not be drawing pay under the shape of salary as a member of this House.

Mr. HAMIDUL HUQ CHOWDHURY: I should like to add a few words as regards the point raised by my hon'ble friend. Section 307 says that persons who are in receipt of remuneration from the Crown are entitled to be members and another section says that every member of the House shall be given a salary. Therefore, every member who is in receipt of some remuneration of a fixed nature from the Crown will be entitled to what is provided by the other section, namely, a salary. Therefore there is little contradiction by our own Act because we have got to give them some salary. We may vary the figure but we cannot deny it.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I should like to point out very briefly in connection with the first amendment of Begum Hamida Momin that the saving to the province by cutting out the

salary of the Deputy President as a member, will be Rs. 1,800. Now if we waste a day of the time of the lower House by sending this Bill back for further consideration, I submit, we will be losing more than Rs. 1,800.

Mr. BANKIM CHANDRA DATTA: Sir, the point raised in connection with section 307, is, I think, absurd for this reason that it refers only to a particular occasion, namely, the occasion of the first election to the first Legislature. The marginal note makes it sufficiently clear that it does not contradict section 307 at all.

Mr. HAMIDUL HUQ CHOWDHURY: My learned friend knows that the disqualification can be removed by the Legislature but when we are making a provision which will be of a permanent nature, section 307 should be read along with the ultimate decision of the House to remove some of the disqualifications. Therefore the Bill has to be taken as a permanent measure so far as the House is concerned and it has to be interpreted under section 307 of the Act read as a whole.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I should like to add one word to what Mr. Laidlaw has said. What I felt during the debate is that in regard to motions of Begum Hamida Momin and Rai Surendra Narayan Sinha Bahdur, the House wanted to know what was the salary of the Deputy President in the old Council. And some of the members think that as there has been reduction in the salary of almost everyone it is natural that the House should like to reduce the salary of the Deputy President and the Deputy Speaker. But I might tell the House that the salary which used to be paid to the Deputy President of the old House was Rs. 500 per month, that means Rs. 6,000 a year. Now if the Deputy President is paid Rs. 250 as Deputy President and Rs. 150 as member of the House, even the sum total of that would be less than Rs. 500. I think it would be something like Rs. 400. It will be very ungracious on the part of this House to grudge that salary to the Deputy President and the Deputy Speaker. I, therefore, appeal to the House that no objection may be raised with regard to it.

Mr. E. C. ORMOND: Mr. President, Sir, I would desire to make one short observation and will detain the House for not more than one minute. At the first sight the amendment moved by the hon'ble member, Begum Hamida Momin, appears to have the air of great reasonableness. It might well seem reasonable at first sight that a member who is also the Deputy President should not draw a double salary. But, Sir, the amendment appears on examination to have certain further implications. It may be that all members have fully appreciated them. At any rate they are such that may be

emphasised. The point is this, Sir, that under clause 4 of the Bill there are provisions made for allowances being granted to members—daily allowance, travelling allowance, and road mileage allowance. Now, Sir, it is quite clear that if from the category of a "member" under this Act there is excluded a person who is a member but who is also the Deputy President of this Council, it is quite clear that that will have the effect of taking away from the person who is such a Deputy President not only what we intend to give him as his salary in another clause but also allowances which he would get under clause 4. And, therefore, Sir, you would put a Deputy President who is a permanent resident in Calcutta in a very different position to a Deputy President who might have to come from a long distance, and that, I think, is not the effect which hon'ble members of this House desire to make.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: He may not be a resident of Calcutta.

Mr. E. C. ORMOND: If he is not a resident of Calcutta, and if he is included in the proposed amendment of the hon'ble the lady member, who moved this amendment, he is excluded from the definition of a "member" under clause 2 for all purposes of the Act. Therefore, he is excluded from being a member under clause 4; he is excluded from all travelling allowances and all daily allowances. And, therefore, if there is a Deputy President of this House, who has to come from a long distance, if we pass this amendment, we shall be excluding him from his travelling and daily allowances, and we are making it very much more difficult for a person who is not a permanent resident of Calcutta to become the Deputy President of this Council, because in such a case he would be excluded from his membership salary, he would be excluded from his travelling and daily allowances, and he would simply receive the bare salary which we voted for him yesterday. So, that is an additional reason to those advanced by the hon'ble members, Mr. Laidlaw and the Maharaja of Santosh. I would ask members to vote against this amendment: although at first sight it certainly looks reasonable.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, we on this side of the House desire to lend our whole-hearted support to the amendment which has been so very ably moved by Begum Hamida Momin. Now, Sir, the reasons which were stated were very tersely put and indeed were such as would appeal to all, and in fact it really appears to have appealed to Mr. Ormond also. One of the reasons why Mr. Ormond thinks that the amendments should not be accepted is, as has been stated by him, that, if carried, the Deputy President would be deprived of travelling allowance and other things under clause 4. In any event a member of this Council residing in this city of Calcutta, will not have

the privilege of drawing travelling allowance. On the contrary, if a Deputy President hails from the *muffasil*, and even if under the definition the names of "Deputy President" and "Deputy Speaker" be added in clause 2, then he will be allowed travelling allowance not under clause 4 of this Bill but under the Fundamental Rules of Government, as the allowances which are allowed to the Ministers when they move from one place to another, will also apply to the Deputy President and the Deputy Speaker. So, Sir, when the Deputy President and the Deputy Speaker happen to hail from the *muffasil*, they may be allowed travelling allowances under the Fundamental Rules and not under this clause. As a matter of fact, in this House we are giving an upward trend to everything. An argument was advanced by the Maharaja of Santosh, drawing the attention of the House to the fact, that the salary of the Deputy President of the old Bengal Legislative Council was Rs. 500 per mensem. I submit respectfully that that analogy should not be put up on a wrong position. Many unnecessary expenditures were undertaken by the old Government, and because the old Government was in the wrong, we cannot justify our position by that wrong. I would submit, Sir, we should look to one position, viz., whether the Deputy President is being sufficiently remunerated for the service which he is expected to render to this House. As to his service, we fully know that he will have less occasions of troubling himself as President. Now, Sir, in considering this position, members have given consideration to only one point, viz., that the position of the Deputy President and the Deputy Speaker should be equalized, and although, Sir, for the purpose of equalizing their position, the pay could have been brought down from Rs. 3,000 to Rs. 2,000, we the members of this House gave an upward trend to the whole thing, viz., raised it to Rs. 3,000. As soon as that has been fixed, it should be considered a sufficient amount. And this is much more than the allowances which the ordinary members of this House will get, and, therefore, this salary should be considered sufficient for the purpose.

With these few words, Sir, I support the amendments of Begum Hamida Momin.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: The question be now put.

Mr. E. C. ORMOND: On a point of information, Sir. May I ask you, Sir, or the Hon'ble Minister in charge of Finance Department whether he can assure us that in any event the Deputy President will not draw travelling allowance under the provisions of this Bill and also a second travelling allowance under the Fundamental Rules of Government.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: The Fundamental Rules do not apply at all in this case.

The Hon'ble Mr. NALINI RANJAN SARKER: The Fundamental Rules will not apply in this case. But whether a Deputy President will draw allowance or not will depend on whether he is a resident of the *muffasil* or of Calcutta.

Mr. E. C. ORMOND: One other point of information, Sir, affecting this matter. If the Fundamental Rules do not apply, then I take it that the arguments of Mr. Lalit Chandra Das also do not apply.

Mr. LALIT CHANDRA DAS: Well, Sir, I do not concede the point, though.

The Hon'ble Mr. NALINI RANJAN SARKER: Will Mr. Ormond please repeat his point?

Mr. E. C. ORMOND: I understood that Mr. Lalit Chandra Das said that it was immaterial whether the Bill provided for travelling allowance for the Deputy President, because he would get travelling allowance outside the Bill under the Fundamental Rules. I would ask him on a point of information if this is so.

The Hon'ble Mr. NALINI RANJAN SARKER: This is wrong, Sir. He will certainly draw travelling-allowance when he goes from place to place on the business of the State. That I have provided for in the supplementary budget.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I again move that the question be now put.

Begum HAMIDA MOMIN: Sir, Mr. Laidlaw just now remarked that by passing this amendment probably we wanted to send this Bill back to the Assembly, which will mean an additional expenditure of about Rs. 3,000 for having this passed finally, and which would be an absolute waste of money. That, Sir, is not my idea. The idea is that in this Council we have been reducing salaries—at least we have been trying to reduce—beginning with the Ministers in a downward direction, and, I think, that in that view of the matter the amendment moved by me is not at all wrong.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is not really an increase in salary, because in the days of the old Bengal Legislative Council a member did not get any salary at all. So, if you compare

the salary of a member and of the Deputy President, you will find that it is not an increase in the salary, because if you do not put the salary of the Deputy President at a higher figure, then it will not be worth his giving up his right as a member of this House when he becomes the Deputy President.

A Member: But does he give up the right of a member? He does not.

The Hon'ble Mr. NALINI RANJAN SARKER: That is why Government suggest that he should get a nominal salary and also his rights as every other member of the Council.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Finance Minister know that in Assam the pay of the Deputy President has been fixed at Re. 1 per month?

The Hon'ble Mr. NALINI RANJAN SARKER: But this is Bengal and not Assam.

Mr. LALIT CHANDRA DAS: We know; we know!

The amendment that in clause 2 for the words "other than the" the words "each member of" be substituted—was put and lost.

The amendment that in clause 2 for the words beginning with "the Governor's Council of Ministers," and ending with "if any" the following be substituted, namely:—

"the holder of any office of profit under the Government in India carrying a fixed salary that is already in existence or may be created hereafter", was put and lost.

The amendment that in clause 2 after the words "the President" the words "and the Deputy President" be inserted, was put and a division taken with the following result:—

AYES—18.

Ahamed, Mr. Nur.
Banerjee, Rai Bahadur Keshab Chandra.
Bose, Rai Bahadur Manmatha Nath.
Chakravorti, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzemali.
Chowdhury, Mr. Rezzaqui Haider.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Nareadra Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Karim, Khan Bahadur M. Abdul.
Maitra, Rai Bahdur Brojendra Mohan.
Momin, Begum Hamida.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Sarker, Mr. Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—28.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
Haider, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Ian, Khan Bahadur Shaikh Muhammad.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
Lamb, Mr. T.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy Chowdhury, Mr. Krishna Chandra.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

Ayes being 18 and Noes 28, the motion was lost.

The amendment that in clause 2 for the words "the said Council" the words "the said Bengal Legislative Council" be substituted, was put and lost.

The amendment that in clause 2 after the words "the Speaker" the words "and the Deputy Speaker" be inserted was put and lost.

The amendment that in clause 2 for the words "the said Assembly" the words "the said Bengal Legislative Assembly" be substituted, was put and lost.

The amendment that in clause 2 the words "or the holder of any office of the Legislature carrying a fixed salary that may be created hereafter" shall be added at the end, was put and lost.

The motion that clause 2 stand part of the Bill was then put and agreed to.

Mr. NUR AHAMED: I beg to move that clause 3 of the Bill be omitted.

I will just say a few words. We have heard appeals after appeals addressed to the Hon'ble Ministers for giving the poor people some relief. It appears that for the first time the members of this House and of the Lower Chamber are going to get salaries and, I am afraid, the acceptance of salary by the members will have the effect of making them very unpopular to the electorate. The Ministers were already drawing pay and under the new constitution their pay has been reduced to half. The Ministers in spite of their heavy responsibility have had to make some sacrifice in regard to their salary. We cannot ask them to make further sacrifice. It is an admitted fact that their predecessor in office used to draw much higher salary, but this is the first time in the history of India that we are going to introduce the system of paying

salary to the members. Although the members of Parliament in England get salary, we in India are granting it for the first time. This is an innovation. I appeal to you to consider what effect this would have on the cultivators. We are setting a very bad example to our poor countrymen. There is already a hue and cry in the country against the grant of salary to the members. The people thought that their representatives in the Council would bring about the millennium for the masses, but what are they doing now? They are providing salaries for themselves. The people are simply staggered at the idea that their representatives are going to get salaries. Although there is a provision in the Government of India Act, 1935, that the members shall be paid salaries and allowances, the House can if it so desires throw out the demand for salaries. In the case of other provinces the Congress Ministers are accepting a salary of Rs. 500, thus setting an example for the Ministers in the non-congress provinces to follow but the Congress members have accepted salaries. In this case we find an example from a non-congress province, viz., the Punjab. The members of the Punjab Legislature have accepted no salary.

Let us set an example to congress province by not accepting the salaries. I appeal to the member to accept my motion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: On a point of order, Sir. This motion, in my humble opinion, is out of order because it negatives the provisions of the Statute. The Statute provides that the members shall be paid salary and allowances.

Mr. NUR AHAMED: I would only cite the example of the Punjab Assembly. So I only appeal to the House to follow that example by accepting my amendment.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 3 the words "and fifty" shall be omitted.

Sir, I do not want to say many words in support of this amendment. The hon'ble member from Chittagong has pleaded very eloquently for the abolition of all salaries to members of this House but I believe that, on principle, a certain amount of salary should be paid to the members so that it may be possible for poor people to become representatives in the Legislature and work for the welfare of the country. At the same time I think that the salary should be such as is only adequate to keep them in the minimum standard of life in conformity with the general economic position of the country to-day. I submit, Sir, that Rs. 100 is just enough. It is a bare economic minimum by which a person can live and maintain himself in our country and the salary should only be a bare recompense and no more than that to enable a member

to maintain himself and work in the Legislature for the good of the country. I therefore submit that we fix the salary of the members of the legislatures at Rs. 100 per month.

Begum HAMIDA MOMIN: Sir, I beg to move that in clause 3 for the word "fifty", the words "twenty-five" be substituted, and I would just like to add a few words in moving my amendment.

Fixed salaries for members of public bodies is a new thing and unknown in India. The public in general look askance at this. This is an innovation taken from the institutions of the West. But, Sir, my criticisms are based chiefly on economic grounds.

The implication of the Bill, as it stands, will be a charge on the public revenues of about 10 lakhs (I speak subject to correction). When there are so many urgent crying needs on the finances of the country, e.g., education, medical and public health, rural uplift, etc., it shall be considered whether this is not an extravagant expenditure of public money.

On the other hand, members of the Legislature should be care-free to devote their time to public cause. They should, therefore, be compensated for the loss of time, for the loss in their professions, out-of-pocket expenses and so forth. The real question is how much this should be? In fixing this, we must take the picture as a whole. In the Legislature, there are people of various vocations. There are some lawyers, doctors and other professional men who can never be adequately compensated even if this allowance is doubled or trebled, but there is a large proportion of the members about whom we cannot say the same thing. Membership of the Council should not be made a profession and a means of earning one's livelihood. It is said in some quarters that unless we pay them sufficiently well, it will be difficult for really poor but efficient men to come to the Legislature. In the old Council, although there was no salary or these high allowances, there never was any dearth of good men and in the elections to the present Council also, although there was no prospect of such high emoluments in view, there was no dearth of competition for the election, and if we pass this Bill as it stands, we shall stand condemned for self-interest as we shall be putting a burden on Bengal, of unnecessary expenditure on account of the Legislature, which she can ill afford.

Then there are two classes of people who come to the Legislature: Firstly, those who come to serve their country, and secondly, those who come for personal aggrandisement or power. To the former class, inadequacy of allowance or a little self-sacrifice will not be deterrent, and to

the latter, it will be wrong to increase their temptation by the prospect of material gain. As a matter of fact, I apprehend that if you make the membership of the Council a lucrative business, the competition by the latter against the former class will be more severe.

It is, therefore, necessary taking all points of view in consideration to fix the rate of emoluments which should be adequate without being extravagant. In my opinion, the original Bill as proposed by Government was fair and if it at all erred, it erred on the side of generosity and this is the proposal which I am now making.

The question that clause 3 be omitted was then put and a division taken with following result:—

AYES—9.

Ahamed, Mr. Nur.
Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Maitra, Rai Bahadur Brajendra Mohan.
Mookerjee, Mr. Narssh Nath.
Pal Choudhury, Mr. Ranajit.

NOES—40.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Haider, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Jan, Khan Bahadur Shaikh Muhammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahdaur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahdur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Shamsuzzaha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

Ayes being 9 and Noes 40, the motion was lost.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday the 22nd September 1937.

Members present:

The following members were present at the meeting held on the 21st September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shirish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Hamidul Hdq.
(13) Chowdhury, Mr. Humayun Reza.
(14) Chowdhury, Mr. Reazzaqul Haider.
(15) Cohen, Mr. D. J.
(16) Das, Mr. Lalit Chandra.
(17) Datta, Mr. Bankim Chandra.
(18) Datta, Mr. Narendra Chandra.
(19) D'Rozario, Mrs. K.
(20) Goswami, Mr. Kanai Lal.
(21) Haider, Nawabzada Kamruddin.
(22) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(23) Hossain, Mr. Latafat.
(24) Huq, Mr. Syed Muhammad Ghaziul.
(25) Ibrahim, Khan Bahadur Maulvi Mohammad.
(26) Jan, Khan Bahadur Shaikh Muhammad.
(27) Kabir, Mr. Humayun.
(28) Karim, Khan Bahadur M. Abdul.
(29) Khan, Khan Bahadur Muhammad Asaf.
(30) Laidlaw, Mr. W. B. G.
(31) Lamb, Mr. T.
(32) Maitra, Rai Bahadur Brojendra Mohan.
(33) McKerrow, Mr. J. A.

(34) Molla, Khan Sahib Subidali.
(35) Momin, Begum Hamida.
(36) Mookerjee, Mr. Naresh Nath.
(37) Nicholl, Mr. C. K.
(38) Ormond, Mr. E. C.
(39) Pal Choudhury, Mr. Ranajit.
(40) Poddar, Mr. H. P.
(41) Rahman, Khan Bahadur Ataur.
(42) Rahman, Mr. Mukhlesur.
(43) Rashid, Khan Bahadur Kazi Abdur.
(44) Ray, Mr. Nagendra Narayan.
(45) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh
(46) Roy, Rai Bahadur Radhika Bhusan.
(47) Roy Chowdhury, Mr. Krishna Chandra.
(48) Sanyal, Mr. Sachindra Narayan.
(49) Sarker, Mr. Indu Bhusan.
(50) Shamsuzzoha, Khan Bahadur M.
(51) Singh Roy, Mr. Saileswar.
(52) Sinha, Rai Bahadur Surendra Narayan.
(53) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the st September, 1937:—

(1) Dutta, Mr. Kamini Kumar.

(2) Ellahi, Mr. S. Fazal.

(3) Esmail, Khwaja Muhammad.

(4) Hossain, Mr. Mohamed.

(5) Khan, Maulana Muhammad Akram.

(6) Mookerji, Dr. Radha Kumud.

(7) Mukherji, Rai Bahadur Satis Chandra.

(8) Sen, Rai Sahib Jatindra Mohan.

(9) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 21st September, 1937:—

(1) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(2) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(3) The Hon'ble Sir Bijoy Prosad Singh Roy, M.L.A.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(5) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(6) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.

(7) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(8) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(9) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(10) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 22nd September, 1937, at 2·15 p.m., being the tenth day of the Third Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-one members and ten Ministers were present.

QUESTIONS AND ANSWERS

Condition of the river Titash.

114. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the river Titash at Akhaura (Assam-Bengal Railway) in the district of Tippera dries up to such an extent in dry season every year that people can easily cross it on foot?

(*b*)Is it a fact that this river irrigates a considerable tract of land at Akhaura side from Akhaura to Ruti?

(*c*) If so, will the Hon'ble Minister please state whether owing to silting up of its bed at Akhaura side, there is—

(*i*) considerable decrease in the quantity of crops there which used to grow before; and

(*ii*) considerable decrease of trade by boat?

(*d*) Is it the intention of the Government to dredge this portion of the river and restore it to its original condition?

(*e*) If so, when will the work be taken up?

(*f*) If the answer to (*d*) be in the negative, will the Hon'ble Minister please state the reasons why it should not be dredged?

(*g*) Is it a fact that Akhaura is a railway junction of the Assam-Bengal Railway and a great centre for jute trade?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) to (*c*) Yes.

(*d*) No.

(*e*) Does not arise.

(*f*) The subject of the silting in the Titash river in the Brahmanbaria subdivision has been under observation and investigation for some time past. The main difficulty is that the flow in the Titash river is held up by the high water level in the Meghna river. Dredging in the Titash river south of Akhaura will not only be very costly, but its effect will not last long as the river will re-silt.

(*g*) Yes.

Mr. LALIT CHANDRA DAS: In view of the answer which has been given to question (*c*) where it is stated that there has been considerable decrease in quantity of crops which used to grow before and considerable decrease of the trade by boat owing to the silting up of the river, does the Hon'ble Minister consider the desirability of trying at least the dredging of that portion of the river at Akhaura?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, there might be many things desirable but might not be feasible. Under the circumstances and in view of what I have stated in my reply, I do not think that the effect of dredging will be of any help for the purpose which the hon'ble member intends.

Mr. LALIT CHANDRA DAS: May I enquire from the Hon'ble Minister how many dredgers there are in the possession of the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I think about five.

Mr. LALIT CHANDRA DAS: May I enquire from the Hon'ble Minister what has been the cost of the purchase of these dredgers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I cannot say off-hand. I want notice.

Mr. LALIT CHANDRA DAS: May I enquire of the Hon'ble Minister what is the yearly cost of the maintenance of these dredgers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I cannot say off-hand the exact figure but I agree that it is quite a heavy amount.

Mr. LALIT CHANDRA DAS: May I enquire of the Hon'ble Minister whether the dredgers are lying idle?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Some of them are being utilised according to requirement.

Mr. LALIT CHANDRA DAS: May I enquire of the Hon'ble Minister how many of the dredgers are lying idle?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I want notice.

Mr. LALIT CHANDRA DAS: May I enquire whether it was the intention of the Government to sell away some of these dredgers as they are absolutely useless and whether that was the promise given by the old Government?

Mr. PRESIDENT: Order, order. This is not a supplementary question arising out of this answer.

Khan Bahadur ATAUR RAHMAN: May I enquire of the Hon'ble Minister what is the cause of silting up? Is it due to railway construction in the locality?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am afraid I cannot, without consulting expert opinion, say what is the cause for the silting up. There might be at times factors which are beyond human control.

Municipality for Feni Town.

115. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what is the population of the town of Feni in the district of Noakhali?

(*b*) Of the population—

(*i*) how many are Hindus; and

(*ii*) how many are Muhammadans?

(*c*) Is it a fact that—

(*i*) it is a subdivisional town;

(*ii*) it contains a first grade college;

(*iii*) it is a great trade centre; and

(*iv*) it is a railway junction?

(*d*) Is it a fact that a large part of the population of Feni Town petitioned the authorities to make it a municipal town bringing it under the operation of the Bengal Municipal Act?

(*e*) If the answer to (*d*) be in the affirmative, will the Hon'ble Minister please state for how many times they did so apply?

(*f*) Is it in contemplation of the Government to make Feni a municipal town and bring it under the operation of the Bengal Municipal Act?

(*g*) If not, what are the grounds for refusing a municipality to Feni?

(*h*) Will the Hon'ble Minister please state whether there is any other subdivisional town in the whole of Bengal which has not its own municipality?

(*i*) If so, what are the names of those subdivisions?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) 10,875 according to the Census Table, 1931.

(*b*) (*i*) 3,132.

(*ii*) 7,721.

(*c*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) No.

(*d*) and (*e*) The District Magistrate reports that some persons filed a petition in August, 1928, for the establishment of a municipality at Feni, but after inquiry into the matter, it was not considered necessary to take any action.

(*f*) No.

(*g*) The question does not arise; as no proposal for constitution of a municipality has been received by Government.

(*h*) and (*i*) A statement giving the names of the subdivisional towns in Bengal where there are no municipalities is laid on the Library table.

Mr. LALIT CHANDRA DAS: May I enquire of the Hon'ble Minister if there is a proposal for the establishment of a municipality by the people of Feni town and will it be favourably considered by the Government?

The Hon'ble Mr. SYED NAUSHER ALI: All that I can say is that it will be duly considered.

Beggar problem in Calcutta.

Rai MANMATHA NATH BOSE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Has the attention of the Hon'ble Minister in charge of the Public Health and Local Self-Government Department been drawn to the beggar problem in Calcutta?

(*b*) Has the census of beggars within the area of the Calcutta Corporation been taken?

(*c*) If so, will the Hon'ble Minister please state—

(*i*) the total number of beggars in Calcutta;

(*ii*) how many of them are boys and how many girls; how many are suffering from leprosy; how many are blind, crippled; idiots and insane persons who are unable to take care of themselves; and

(*iii*) how many are professional beggars possessing good physique?

(*d*) If no census has been taken, is the Hon'ble Minister considering the desirability of taking it in the near future?

(*e*) Is the Hon'ble Minister considering the desirability of appointing a Committee to go through the question in all its aspects?

(*f*) If so, when will the personnels of the Committee be announced?

(*g*) If the Hon'ble Minister has no intention of forming such a Committee, will he please state what steps have been taken for the protection of destitute girls, children and persons suffering from incurable diseases?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) Yes, in course of the general census operations in 1931.

(*c*) (*i*) 3,064.

(*ii*) and (*iii*) These details are not available from the Census Report.

(*d*) A census will be taken in the usual course.

(*e*) to (*g*) The last Government were contemplating the appointment of a Committee to enquire into the question but, in the meantime, the Rotary Club of Calcutta came forward with certain proposals for dealing with the problem, including the establishment of a Children's Home and a hospital or infirmary for diseased and infirm beggars. These proposals were forwarded to the Calcutta Corporation for their opinion. The Corporation have appointed a special Committee to go into this question and the report of the Corporation is

being awaited by the Government. In view of this, I do not think that any useful purpose will be served by the appointment of a Committee by the Government at this stage.

Rai KESHAB CHANDRA BANERJEE Bahadur: In view of the delay on the part of the Committee to submit their report, will the Hon'ble Minister please ask the Corporation of Calcutta to expedite matters?

The Hon'ble Mr. SYED NAUSHER ALI: About eight reminders have already been sent.

Taxes of Damodar and Eden Canals.

117. Khan Bahadur ATAUR RAHAMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state from what year the staff for assessment and realisation of taxes of Damodor and Eden canals has been engaged?

(*b*) What is the annual expenditure for the staff?

(*c*) What is its overhead charge?

(*d*) What was the number of men excluding menials employed in the first year?

(*e*) How many of them were Moslems?

(*f*) How many of them were non-Moslems?

(*g*) What is the present strength of the staff excluding menials?

(*h*) How many of them are Moslems?

(*i*) How many are non-Moslems?

(*j*) Will the Hon'ble Minister please state what is the basis of assessment of the rates of Damodar and Eden canals.

(*k*) What is the number of objections against the assessment received up to date?

(*l*) What is the nature of objections?

(*m*) Will the Hon'ble Minister please state what is the manner in which objections have been disposed of?

(*n*) Is it contemplated to reduce the rates by a set-off with the excess recovery of the Settlement Cost in the district of Burdwan?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) From the year 1933-34.

(*b*) A statement is laid on the table.

(*c*) The overhead charges consist of the cost of—

(*i*) supervision by the Chief Engineer, Irrigation, and by the Collector under the Bengal Development Act;

(*ii*) audit; and

(*iii*) work done by the Engineering Officers in preparing test notes. The amount cannot be readily calculated.

(*d*) 25.

(*e*) 11.

(*f*) 14.

(*g*) Permanent 54 and temporary 13.

(*h*) Permanent 28 and temporary 6.

(*i*) Permanent 26 and temporary 7.

(*j*) The hon'ble member is referred to the Bengal Development Act and the rules framed thereunder and to the rules under the Bengal Irrigation Act published in Notification No. 6 I., dated the 24th March, 1933.

(*k*)

1933-34	... 2	
1934-35	... 2,052	
1935-36	... 7,862	(including objections against assessments for 1934-35 and 1935-36 which were preferred this year).
1936-37	... 2,365	

(*l*) Water-logging, inadequate supply or non-supply of canal water, possession and area of plots, etc.

(*m*) The hon'ble member is referred to the provisions of the Bengal Irrigation Act, 1876. Bengal Development Act and the rules framed under these Acts.

(*n*) No.

Statement referred to in the answer to (b) of question No. 117.

	Damodar and Eden canals.
	Rs.
1933-34	... 18,680
1934-35	... 33,586
1935-36	... 55,817

The Revenue Accounts of the Damodar Canal Project were opened in 1933-34 and the accounts of the Eden Canal were merged in those of the Damodar Canal in that year. Separate accounts of the two canals are being maintained from 1936-37.

		Damodar canal.	Eden canal.
		Rs.	Rs.
1936-37	..	59,629	11,038

(Excluding a non-recurring expenditure of Rs. 20,672 incurred on account of special staff employed under the Chief Estimating Officer in connection with the enforcement of the Bengal Development Act.)

Mr. NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state whether the Hon'ble Chief Minister made a promise elsewhere that he would go to Burdwan and make an enquiry and see if the rates can be reduced?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: No, Sir. What I have stated, if I be permitted to say, in the Assembly when discussing the demand for grants was that the Government have decided to appoint a committee with the Chief Minister as president to enquire into the matter.

Flood water in Ballygunge and Dhakuria.

118. Rai MANMATHA NATH BOSE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur of Nashipur): (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that lately a large tract of land in Ballygunge and Dhakuria has been lying under water after heavy showers?

(*b*) Is the Hon'ble Minister aware that the area so submerged is under the jurisdiction of the Tollygunge Municipality and that of the District Board of 24-Parganas?

(*c*) What steps did the Municipality and the District Board concerned take in the matter?

(*d*) What steps did the Hon'ble Minister take in the matter?

(*e*) What are the steps the Hon'ble Minister proposes to take in this connection?

(*f*) Will the Hon'ble Minister be pleased to lay on the table, a copy of the report of the Director of Public Health and that of the Chief Engineer on this subject?

(*g*) Is it a fact that there have been several cases of typhoid, cholera and dysentery in that area?

(*h*) How many cases have been reported to have become fatal?

(*i*) Is it a fact that the outlet of the water has been choked owing to the silting of the river Bidyadhari?

(*j*) If so, what action the Hon'ble Minister proposes to take in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) Yes.

(*c*) A copy of the Press Note which was published in the papers on the 28th August, last and a copy of the letter, dated the 6th September, 1937, from the Chairman, Tollygunge Municipality, reporting action taken by the local authorities and the Municipality are laid on the library table. No report has been received from the District Board of the 24-Parganas, but the Director of Public Health has deputed two temporary Sanitary Inspectors to work under the District Health Officer in the flooded area within the jurisdiction of the District Board.

(*d*), (*e*) and (*j*) A statement is laid on the Library table.

(*f*) A copy of the report of the Director of Public Health is laid on the Library table. No report has been received on this subject from the Chief Engineer, Irrigation Department, or the Chief Engineer, Public Health Department.

(*g*) Yes, only a few cases.

(*h*) Two deaths from typhoid and one from cholera were reported up to the 19th instant.

(*i*) Yes.

Fatal Accidents by Electricity.

119. Rai MANMATHA NATH BOSE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing the number of fatal accidents in connection with generation, transmission and the use of electric energy for the years 1934, 1935 and 1936, respectively?

(*b*) Is it a fact that the number of fatal cases has increased by 50 per cent. in two years' time?

(*c*) If so, what steps have been taken to prevent such accidents?

(*d*) Is it a fact that there had been 12 fatal accidents from electricity which occurred to human beings in 1936?

(*e*) If so, what was the pressure of supply of the energy concerned in each case?

(*f*) Is it a fact that in all these cases the pressure of supply was 220 volts or above and the current which was in use was A. C.?

(*g*) Was there any case in which the current used had been D.C.?

(*h*) Is it a fact that in other countries where A.C. current is used, the voltage is only 110 and not 220 as is used in Calcutta?

(*i*) In the answer to my last question on this subject, the Hon'ble Minister informed the House that the voltages can be reduced to 110 by the use of an instrument which is available in the market for sale at Rs. 50. Will the Hon'ble Minister be pleased to state if the voltage can be reduced at the main line as well by the use of an instrument?

(*j*) If so, will the Hon'ble Minister please state why this instrument has not been adopted by the company in face of the accidents?

(*k*) Is the Hon'ble Minister considering the desirability of instructing the company concerned to reduce the voltage to 110 in the Ballygunge area in the near future?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) The hon'ble member is referred to the reply given to his question No. 91 (*c*) at the last session of the Bengal Legislative Council.

(*d*) Yes.

(*e*) The pressures of supply of the 12 cases were:—

One—6,000/400 volts.

One—3,300 volts.

One—400/230 volts.

One—400 volts.

Eight—230 volts, 225 volts or 220 volts.

(*f*) Yes.

(*g*) No.

(*h*) I have no definite knowledge. In some countries 220/230 volts A. C. is the standard pressure, but there are others where 110 volts A. C. is used.

(*i*) The cost of the instrument is, I believe, in the region of Rs. 100. It is possible to reduce the voltage at the main line, but it is not feasible.

(*j*) It is not possible for the Company to use the instrument, as it is a small transformer suitable for a residential house. To change the pressure of the whole system in Calcutta to 110 volts is impracticable

and would entail not only scrapping all the existing distribution system but also consumers' fans, motors, radio sets and other consuming devices. Government have not funds available for this purpose.

(*h*) No; not as present advised.

Statement, referred to in the answer to question No. 119, of accidents in Bengal in connection with the generation, transmission and use of electrical energy reported to the office of the Chief Electric Inspector, Bengal.

Years as at 31st December.	Electrical. Fatal.
1934	8
1935	9
1936	12

Number of Civil Suits in certain District Courts.

120. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Sahib Jatindra Mohan Sen): Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state—

(*a*) the number of original civil suits and cases instituted;

(*b*) the number of civil and miscellaneous appeals filed;

(*c*) the number of sessions cases committed; and

(*d*) the number of criminal appeals and motions filed, in the courts of the District Judge at Dinajpur, Jalpaiguri, Darjeeling, Bankura and Birbhum, respectively, during the years 1930 to 1936?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): A statement is laid on the Library table.

Debhata Municipality.

121. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government contribution of Rs. 2,470 will be provided for at the earliest opportunity as its contribution for tube-wells in the Debhata Municipality as approved by the Government of Bengal in their letter No. 1686P.H., dated the 22nd July, 1931?

The Hon'ble Mr. SYED NAUSHER ALI: Only administrative approval was given to the municipal scheme for the improvement of water-supply in July, 1931. The municipality was then clearly informed that the payment of the grant was conditional on budget provision, and that there was no certainty as to when budget provision could be made. Administrative approval to a scheme cannot be construed as a promise by Government of a grant towards the scheme. In July, 1932, the municipality asked for a contribution of Rs. 2,470 from the Government and they were informed that they should not have created liabilities in anticipation of the Government grant, and that there was no probability of the grant being paid in the near future. They were, therefore, asked to arrange to meet the cost of the scheme from their own funds.

I may explain that on account of financial stringency Government could not make any grant towards municipal sanitary schemes for a number of years, and that although they have, on principle, now decided to revert to the policy of making grants-in-aid towards municipal water-supply, sewerage and drainage schemes, this decision cannot have a retrospective effect.

Mr. RANAJIT PAL CHOUDHURY: Does the Hon'ble Minister propose to consider this case when framing the next budget?

The Hon'ble Mr. SYED NAUSHER ALI: The reply will be found in the explanation in the second para.

Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister be pleased to state as to what he means by the words "administrative approval"?

The Hon'ble Mr. SYED NAUSHER ALI: That has already been explained in the first para.

Causes of Beri-Beri.

122. Mr. HUMAYUN KABIR: (*a*) Has the attention of the Hon'ble Minister in charge of the Public Health and Local Self-Government Department been drawn to the report of the All-India Institute of Hygiene and Public Health where it is said that Beri-Beri or epidemic dropsy is caused by a certain kind of mustard oil?

(*b*) Will the Hon'ble Minister please state which kind of mustard oil is responsible for the disease?

(*c*) What action has been taken by the Government to stop the production and sale of that kind of mustard oil, if identified?

(*d*) Is it a fact the mill oil is injurious to health and is the cause of Beri-Beri?

(*e*) Is the Hon'ble Minister aware that the oil mill industry is causing the destruction of a very useful home industry, the means for livelihood of a large section of the population?

(*f*) Is the Hon'ble Minister contemplating to take any steps to protect this home industry?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) I am aware that in the report of the investigations into the epidemiology of epidemic dropsy conducted by the authorities of the All-India Institute of Hygiene and Public Health, Calcutta, it has been stated that there is strong evidence to support the conclusion that epidemic dropsy as commonly met with in epidemic form in Bengal, Bihar and Assam is caused by the ingestion of a poisonous substance conveyed through the agency of mustard oil, the nature and origin of which is at present unknown.

(*c*) Does not arise.

(*d*) Not necessarily so.

(*e*) and (*f*) I am afraid the subject-matter of these two questions has nothing to do with the epidemiology of epidemic dropsy and I must refer the hon'ble member to my colleague, the Hon'ble Minister for Agriculture and Industries for an answer to these questions.

Khan Bahadur ATAUR RAHMAN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what action has been taken to stop the production and sale of this kind of mustard oil?

The Hon'ble Mr. SYED NAUSHER ALI: It is not the oil, but there is some substance in the oil which is poisonous, and it has not yet been possible to ascertain the real state of things; that is where the difficulty lies.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any steps have been taken to identify this poisonous substance.

The Hon'ble Mr. SYED NAUSHER ALI: The origin and nature of this substance is at present unknown.

Mr. HUMAYUN KABIR: Are Government taking any steps in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: Certainly. Steps are no doubt being taken.

Population of Rajbari, Pangsa and other thanas.

123. Mr. MOZZEMALI CHAUDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the population of the—

(*i*) Rajbari,

(*ii*) Pangsa,

(*iii*) Baliakandi, and

(*iv*) Bhushna thanas,

in the district of Faridpur has been gradually decreasing;

(*b*) if so, what are the causes thereof; and

(*c*) what steps, if any, the Government intend to take to prevent such decrease?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) and (*ii*) Yes. (*iii*) and (*iv*) No.

(*b*) The decrease appears to be chiefly due to the silting up of rivers, associated with a wide prevalence of malaria.

(*c*) Efforts are being made to improve drainage by means of local schemes wherever possible. Two schemes have been completed in Faridpur within the last year by the District Board with Government aid and others are under investigation. Efforts are also being made to improve health by improving dispensaries and other forms of medical aid and by encouraging local effort in regard to all forms of village improvement especially as regards drinking water supply and anti-malarial work.

Besides making the usual contribution towards the maintenance of rural health units and for controlling epidemic outbreaks, Government have, during the last four years, undertaken free distribution of quinine specially in the Rajbari Thana of the district.

Mr. MOAZZEMALI CHAUDHURY (in Bengali): With reference to answer (*c*), will the Hon'ble Minister be pleased to place before the House the schemes which are under the consideration of the Government?

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. The Act and the Rules provide for speaking in English and they also provide for speaking in Bengali, but there is no provision for speaking in English and Bengali combined.

The Hon'ble Mr. SYED NAUSHER ALI: I am afraid, I cannot answer the question without notice.

Mr. INDU BHUSAN SARKER: Will the Hon'ble Minister be pleased to state what is the percentage of decrease with regard to (*i*) and (*ii*)?

The Hon'ble Mr. SYED NAUSHER ALI: I am afraid, I require notice.

Mr. INDU BHUSAN SARKER: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what is the cause of the silting up of the river?

The Hon'ble Mr. SYED NAUSHER ALI: That is more than what a Minister of Public Health can say.

Mr. INDU BHUSAN SARKER: Will the Hon'ble Minister be pleased to state whether as a result of the distribution of quinine in the Rajbari thana for the last four years, there has been any decrease in malaria cases?

The Hon'ble Mr. SYED NAUSHER ALI: I am afraid, I cannot answer without notice.

Mr. INDU BHUSAN SARKER: Will the Hon'ble Minister be pleased to state whether Government contemplate to take up a scheme of drinking water-supply in those de-populated areas very soon?

The Hon'ble Mr. SYED NAUSHER ALI: Government have got their own policy of water-supply, and water-supply is mainly the duty of the local authorities—District Boards and Union Boards concerned. Government are no doubt helping and they are trying, as is perhaps well-known to the hon'ble member, to have a survey of water-supply throughout the whole of Bengal and necessarily the question of Rajbari and other places will come in.

Breaches in the Gumti Embankment.

124. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the attention of the Hon'ble Minister has been drawn to a report from Comilla appearing in the daily papers of Calcutta of the 24th instant that Gumti embankment was breached in

three places and some villages and their crops have been submerged and destroyed rendering a large number of the inhabitants helpless and homeless?

(*b*) Is the Hon'ble Minister aware that the flood water that causes breaches in Gumti embankment mainly comes from Tripura State as the Tripura State people are developing the interior of the State by cutting outlets for flood water which formerly used to accumulate in the low lands of the Tripura State?

(*c*) Does the Hon'ble Minister propose to make enquiry and devise means to prevent recurrence of such breaches and in the meantime to provide compensation from public revenue or from Chakhla Rashnabad Estate for loss to tenants and exempt them from payment of any rent until such breaches in the embankment can be prevented?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) Yes. Breaches took place in the non-Government portion of the embankment.

(*b*) I have no information.

(*c*) Construction of an escape on the Gumti bank with the object of disposing of a portion of a flood and giving some relief to the area affected is under consideration. Government do not propose to pay any compensation.

Mr. NARENDRA CHANDRA DATTA: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether any attempt was made to get any information with regard to the flood water coming from the Tripura State by which the flood was being increased?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: We have got no information from the local officers of our Department.

Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state whether any information on this point was sought for from the local authorities?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I do not think, we received any complaint on this point.

Mr. LALIT CHANDRA DAS: If it is permissible, will the Hon'ble Minister be pleased to state if Government would enquire of the Tripura State if the said State is flooding the interior of the State by cutting outlets for flood water which formerly used to accumulate in the low lands of the State and which flood water affects very injuriously the growth of crops in British territory?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: That is a matter which might be looked into.

Mr. LALIT CHANDRA DAS: As the Hon'ble Minister has kindly stated that this matter will be looked into, may I suggest whether Government will be pleased to enquire of the Tripura State if that State will undertake the construction of an escape on the river Gumti as the British Government is also going to undertake the construction of this sort of escape for the purpose of disposing of a portion of the flood water of that river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: The whole question is being examined and if, after the proposed escape in the Government area has been completed, conditions do not improve due to other causes for which territories outside British India are involved, certainly the question will be looked into.

Mr. NARENDRA CHANDRA DATTA: With reference to answer (c), will the Hon'ble Minister be pleased to state, what kind of relief is under the consideration of the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I have stated in my answer that we propose to construct an escape.

Mr. HUMAYUN KABIR: Two questions are asked in question (c), namely, compensation from public revenues and exemption from payment of any rent, and it is stated in the answer, that Government do not propose to pay any compensation. With reference to this, will the Hon'ble Minister be pleased to state whether Government propose to take any steps to exempt people from payment of any rent until such breaches in the embankment could be repaired?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am afrad, I am not in a position to answer it as it refers to a matter which is to be dealt with by the Hon'ble Minister for Revenue.

Mr. HUMAYUN KABIR: May I refer this question to the Hon'ble Minister for Revenue?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. He must have notice. He cannot answer off-hand.

Mr. PRESIDENT: The Hon'ble Minister for Revenue is not here.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state the approximate time by which the construction of an escape on the river Gumti is likely to be taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: As soon as plans and estimates are ready.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when the plans and estimates are likely to be ready? Will they be ready in course of a month or two?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I regret, Sir, I am not in a position to give any idea of the time. I require notice.

Bhatpara Municipality.

125. Mr. KRISHNA CHANDRA ROY CHOWDHURY (on behalf of Mr. Latafat Hossain): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether compensation has been sanctioned at a meeting by the Commissioners of the Bhatpara Municipality to Rahat Hossain, the ex-pound-keeper of the Kankinara Pound?

(*b*) Has the said compensation money been withheld by the Chairman?

(*c*) Is the Hon'ble Minister aware that the Chairman has referred this matter to the Examiner of Local Accounts?

(*d*) Is the Hon'ble Minister also aware that this reference will only mean delay and obstruction in the payment of the compensation sanctioned by the Commissioners under section 108 (xxxii) of the Bengal Municipal Act, 1932?

(*e*) Did the Chairman vote against the resolution as to whether the matter concerned should be taken up by the Commissioners at a meeting?

(*f*) Has the ex-pound-keeper served a pleader's notice on the present Chairman for the realisation of the said amount?

The Hon'ble Mr. SYED NAUSHER ALI: Before I answer this question, I think, I ought to apologise for a mistake which has been committed by my office, but it is not with regard to the main answer, it is with regard to the report that has been laid on the table. The report referred to in the answer to question No. 125 is not the correct report, but it is a different report altogether.

(*a*) to (*f*) The matters to which these questions refer relate entirely to the internal administration of the Municipality and are not primarily the concern of the Provincial Government. I have, however, obtained a report from the District Magistrate, a copy of which is placed on the table for the information of the hon'ble member.

With regard to question (*f*) the Magistrate reports that the answer is in the affirmative.

Statement referred to in the answer to question No. 125.

REPORT FROM THE DISTRICT MAGISTRATE.

With reference to your letter No. 1518, dated the 19th August, 1937, regarding proposed payment of Rs. 556-9-6 to the lessee of the Kankinara pound as compensation for his loss and costs incurred by him in a criminal case for assault of his men in course of seizure of cattle, I have the honour to state that a compensation seems to be admissible under the section quoted in your letter in respect of (1) the closing of the pound for 15 days, and (2) the limiting of his jurisdiction to 3 roads only as alleged in his petition against 4 originally stipulated. Under (1) above, a proportionate income for 15 days may be granted and under (2) the loss may be calculated with reference to the business coming in before and after the restriction referred to above was enforced. The suggestions made above only attempt at pointing out the equitable basis on which the compensation payable may be calculated and it is for the Commissioners to determine whether they should take into consideration any other factors which they may consider relevant to the issue. The basis of their decision will come under audit scrutiny in due course.

It does not appear that the lessee is entitled to the costs of the suit from the Municipal fund, since, as stated by you, the case was not started at the instance or with the permission of the Municipal authorities.

If a compensation is paid to the lessee he cannot reasonably claim a remission of the arrears in addition.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether in a case where a caucus majority of Commissioners violate the Bengal Municipal Act, the Ministry of Local Self-Government will intervene in the matter?

The Hon'ble Mr. NAUSHER ALI: Certainly.

Excise Shops in Bengal.

126. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state the total number of liquor shops, drug shops and toddy shops in each district of Bengal and in Calcutta in 1936-37?

(*b*) How many of each class of these shops are held by Moslems?

(*c*) How many of them are held by non-Moslems?

(*d*) Are there any instructions of the Government to distribute these shops in proportion amongst the different communities?

(*e*) How many of the licensees are non-Bengalees?

(*f*) Is the number of Excise shops increasing in Calcutta?

(*g*) If the answer to (*f*) be in the affirmative, what is the reasons therefor?

(*h*) How many of these shops in Calcutta are held by retired Government Officials—

(*i*) in their own name, and

(*ii*) in *benamee*?

(*i*) How many are held by the relations of retired Government officials?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) to (*i*) A statement is laid on the Library Table. It is as complete as Government could make it within the time.

Khan Bahadur ATAUR RAHMAN: In reply to my question (*a*) to (*i*) I do not understand how a statement placed on the Library table can answer all my questions. Are there any instructions of Government to distribute shops in proportion among the different communities?—this is a question which cannot be answered by a statement placed on the Library table.

Mr. PRESIDENT: The hon'ble member must first of all satisfy himself from the statement that it does not meet his questions.

Khan Bahadur ATAUR RAHMAN: I have seen the statement, but I do not know under what rule I can bring it here to show that it is not a suitable reply to my questions.

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is as complete as Government could make it.

Khan Bahadur ATAUR RAHMAN: Is there any instruction of Government to lease out these shops to vendors according to a certain ratio amongst the different communities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. I find that the practice of laying statements on the Library table gives rise to innumerable difficulties inasmuch as members cannot prepare themselves for putting supplementary question. I would suggest that instead of placing them on the Library table if a separate table is kept on the floor of the House that will be of great convenience to the members, because then they will be able to find out what the statements are.

Mr. PRESIDENT: But sometimes the answers are so lengthy that it is a mere waste of time if they are read on the floor of the House. However the House may consider it later on, if there is any improper use of the practice.

Khan Bahadur ATAUR RAHMAN: Difficulty may arise if, to a question, as to how many are held by Government officials, an answer is given saying that a statement is laid on the Library table. Unless they are before us in the House, how can we put supplementary questions?

Appointment of a Judge in the Presidency Small Causes Court, Calcutta.

127. Rai MANMATHA NATH BOSE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state—

(*i*) how many Judges are there in the Presidency Small Causes Court, Calcutta;

(*ii*) how many of these Judges are Muhammadans; and

(*iii*) how many are Hindus?

(*b*) Is Mr. C. O. Remfry, the permanent Chief Judge of the Presidency Small Causes Court, Calcutta, going to retire from service with effect from the 15th September, 1937?

(*c*) If so, is the Hon'ble Minister considering the desirability of—

(*i*) appointing or confirming any of the Judges of that court as the permanent Chief Judge in Mr. Remfry's place; and

(*ii*) appointing a Hindu in the permanent vacancy which will thus be created in the post of a Judge of that court?

(*d*) What communal ratios do the Government intend to establish in the matter of appointments in such judicial service?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) (*i*) 6.

(*ii*) 3 permanent 1 officiating.

(*iii*) 2.

(*b*) Mr. Remfry retired with effect from the 19th September, 1937.

(*c*) (*i*) Nawabzada A. S. M. Latif-ur-Rahman has been confirmed as the permanent Chief Judge with effect from that date. Gazette Notification No. 7035J., dated 28th August, 1937.

(*ii*) The matter is under consideration.

(*d*) No percentage has been fixed in regard to these appointments. Efficiency is the basis of appointment.

Rai MANMATHA NATH BOSE Bahadur: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state when the appointment is likely to be made?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I cannot give a definite date.

Rai MANMATHA NATH BOSE Bahadur: May I know the approximate time?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I cannot give any idea of time.

Revisional Survey in Chittagong.

128. Mr. NUR AHAMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what is the total amount of net increase in Government revenue as a result of the revisional survey in the district of Chittagong?

(*b*) What is the principal cause of this increase?

(*c*) What was the total amount of revenue derived from *Khasmahal* lands before the revisional survey was undertaken?

(*d*) What is the total increase in the same as a result of the revisional survey in question?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir BIJOY PRASAD SINGH ROY): (*a*) Rs. 1,64,958.

(*b*) Enhancements of rents of tenure-holders due to increased assets as compared to the previous settlement.

(*c*) Rs. 8,24,710.

(*d*) Rs. 1,64,958.

Mr. PRESIDENT: There is yet another question, the answer to which was received in office very late and could neither be printed nor cyclostyled.

Proposed appointments in the Co-operative Credit Departments.

129. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what is the principle he proposes to follow in filling up the recent vacancies in the Co-operative Credit Department?

(*b*) Have the nominations from different districts for the posts of Auditor and Inspector of the Co-operative Department been received by Government by this time for consideration of appointment?

(*c*) How many of the Departmental Officers will get promotion in these vacancies?

(*d*) What will be the criterion in giving the promotions?

(*e*) Does the appointment of Auditors and Inspectors from Departmental Officers rest in the hand of the Registrar, Co-operative Societies, Bengal?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) To secure the most suitable candidates subject to any decision of the Government for reservation of any proportion of appointments to particular communities.

(*b*) Yes.

(*c*) The matter is under consideration.

(*d*) Primarily merit and character.

(*e*) Auditors—Yes.

Inspectors—No.

Khan Bahadur ATAUR RAHMAN: Is outside appointment going to be made by a competitive examination?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Khan Bahadur ATAUR RAHMAN: Did not the Hon'ble Minister say previously that the appointments will be made by a competitive examination?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have never said so.

Khan Bahadur ATAUR RAHMAN: Was it not said in reply to a supplementary question that the personnels of the examination committee was under consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Can the member argue in this way?

Mr. PRESIDENT: He is only reminding the Hon'ble Minister of a certain reply.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If I remember aright, what I said was this that the candidates nominated by District Magistrate would have to appear before a Selection Board and after this selection they would have to undergo a training after which they would be subjected to a competitive examination, on the result of which, appointments would be finally made.

Mr. NARESH NATH MOOKERJEE: What is the criterion for selection of candidates' efficiency—patronage or something else?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered the question, viz., merit and character.

Mr. HUMAYUN KABIR: If the selection is not by an examination, how can he distinguish merit from patronage?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This is a matter of opinion. We will decide it on the tests laid down by us.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not a fact that the Public Service Commission will make the appointments?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, the selection will not be made by the Public Service Commission, but by a Selection Board.

SHORT NOTICE QUESTION.

Mr. NARESH NATH MOOKERJEE: As to-day is the last day of this session, may I have your permission and through you that of the House to put a short notice question to the Hon'ble Minister in charge of Commerce and Industries. He will not have to make much effort to answer this. I want to draw his attention to the recent jute forecasts.

Mr. PRESIDENT: It is for the Hon'ble Minister to say whether he is prepared to answer or not.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am concerned with jute forecasts but the member wants to put the question to the Minister of Commerce and Industries.

Mr. NARESH NATH MOOKERJEE: I am sorry. I will put the question to the Nawab Bahadur of Dacca.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. If short notice questions are allowed on the floor of the House without previous notice being given, it will create a very dangerous precedent.

Mr. PRESIDENT: I take it that the Hon'ble Minister is not willing to accept the short notice question, on the floor of the House.

Government Bills.

The Bengal Legislative Chambers (Members' Emoluments) Bill, 1937.

The amendment that in clause 3 of the Bill the words "and fifty" shall be omitted was put and lost.

The amendment that in clause 3 of the Bill for the word "fifty" the words "twenty five" be substituted was put and a division taken with the following result—

AYES—14.

Chakravorti, Mr. Shrish Chandra.
Chaudhury, Mr. Maazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Dutta, Mr. Nareadra Chandra.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mamin, Begum Hamida.
Mookerjee, Mr. Naresh Nath.
Pal Chaudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal, Mr. Sachindra Narayan.
Sarkar, Mr. Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—31.

Ahmad, Mr. Naziruddin.
Ahmad, Mr. Mesbahuddin.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Haider, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Nickoll, Mr. C. K.
Ormond, Mr. E. C.
Rahman, Mr. Mukleswar.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy, Rai Bahadur Radhica Bhusan.
Roy Chowdhury, Mr. Krishna Chandra.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

The Ayes being 14 and the Noes 31, the motion was lost.

Mr. NAZIRUDDIN AHMAD: On a point of information, Sir. With regard to clause 3 it appears from several speeches—

Mr. HUMAYUN KABIR: On a point of order, Sir. Can clause 3 be discussed again after the discussion on it has been finished?

Mr. PRESIDENT: He is not discussing clause 3. He merely wants some information with regard to it.

Mr. NAZIRUDDIN AHMAD: I do not want to discuss or move any amendment to clause 3 but I want some information only. It appears from the debates and votes in this House that there are some hon'ble members who would like to draw a pay less than Rs. 150 a month. The question is whether they would be free now to receive a less pay if they like?

Mr. PRESIDENT: Order, order. The question before the House is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The motion before the House is that clause 4 stand part of the Bill.

Begum HAMIDA MOMIN: Sir, I beg to move that in sub-clause (*i*) of clause 4(*a*) of the bill for the word "ten" the word "five" be substituted.

Sir, the daily allowance is meant to cover the expenses incurred by members while away from their homes in Calcutta and not to make any savings out of it. For this purpose, I think, Rs. 5 a day is quite enough. Formerly, the daily allowance was Rs. 10, as there was no salary then and as now there is a fixed salary which the members will get all the year round, I submit that there is no justification for continuing the old rate of allowance.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. MOAZZEMALI CHAUDHURY: Sir, I beg to move that in sub-clause (*i*) of clause 4(*a*) for the words "ten rupees" the words "seven rupees eight annas" be substituted.

The hon'ble member then addressed the House in Bengali. The following is the English translation of his speech:—

I have already clearly stated why I tabled an amendment like this. The acceptance of this amendment of mine will also lead to a saving of more or less one lakh of rupees annually to be utilized for nation-building work. Moreover, this acceptance will not economically affect the present hon'ble members more than their predecessors; because, a reduction of Rs. 2-8-0 in the daily allowance will be compensated by the amount of travelling allowance fixed at Rs. 2-8-0 per day.

In these circumstances, I hope nobody will hesitate to support my amendment.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to move that in sub-clause (*ii*) of clause 4(*a*) the words "and a half times" shall be omitted.

Sir, the only purpose of this amendment is to fix the travelling-allowance at a single first-class fare. There may be certain doubts about the amounts spent by members while living in Calcutta. There may be certain doubts about the actual loss incurred by members when they come to Calcutta, because in the meantime they cannot devote their time to their own profession in places where they normally reside. But as regards travelling-allowance there is hardly any such doubt. It is a fact that the majority of the people who travel at their own cost and on their own business do not travel first-class, still there was formerly a provision that the members had to certify the class by which they travel, and—it is an unfortunate fact, Sir—people have been some times led to certify a class by which they did not actually travel. And I think, therefore, the present bill is an improvement because it does not compel any member to make a statement like that. It is now said that one and a half first-class fares will be paid irrespective of the class in which a member might travel, and, therefore, I suggest that if members are free to travel in any class they like, there is no reason why, in order to defray the expenses actually incurred by members while travelling from place to place we should provide that they should be paid one and a half times the first-class fare. It is a fact that except people travelling on Government business, very few persons travel in first class, and this is a fact which will be borne out by members of this House. Few persons—even persons drawing Rs. 1,000 or Rs. 1,500 a month—travel first class except when they do so on Government business. If that be the case, Sir, there is no reason why we should provide

for the payment of one and a half times the first-class fare. At the same time, I know that there is a small percentage of people who actually travel first-class, that is why I have proposed one single first-class fare. Persons who are habituated to travel in first-class may be assumed to be in a condition of life which enables them to pay for other extras incurred in taking servants, etc., with them, as also other incidental expenses connected with their journey. Therefore, the purpose of my amendment is to make it clear that those who are well off to afford travelling in first class will normally do so and pay for their extras out of their own pockets while their actual travelling cost is paid by the Government. And those who do not actually travel first-class may travel in any class they like, and they will be entitled to one first-class fare if my amendment is accepted by the House. There is no reason, therefore, why one and a half times the first-class fare should be paid to such persons. This is the reason, Sir, why I have moved my amendment.

Begum HAMIDA MOMIN: Mr. President, Sir, I beg to move that in sub-clause (*ii*) of clause 4(*a*) for the word "first" the word "second" be substituted.

As regards travelling allowance, you will bear me out, Sir, when I say that the average middle-class Bengali, who constitutes the intelligentsia and which supplied the members to the legislatures, ordinarily travel inter class or second class. And only those who are endowed with an overflow of wealth travel first class in this country. It is a matter of common knowledge that many members do not find it either a loss of dignity or a very great discomfort in travelling other than in first class even now. The two things which should be considered in fixing the travelling allowance are to see that the members are not subjected to indignity or discomfort. I think nobody will have a right to complain if second class rate of travelling-allowance is allowed instead of first class. Of course, those who are accustomed to travel first class will do so whatever the Legislature will allow them and they can afford to do so. But this consideration should not tax the public revenues.

Sir, I consider my amendment very fair and I hope the House will adopt it.

Mr. MOAZZEMALI CHAUDHURY: Mr. President, Sir, I beg to move that after sub-clause (*ii*) of clause 4(*a*) the following proviso be added, namely:—

"Provided that in cases where there is no second class in any railway or steamer the member shall be entitled to travelling allowance at the rate of one and a half times first class fare for his journey by such railway or steamer as the case may be."

The member then addressed the House in Bengalee. The following is the English translation of his speech :—

The idea behind this amendment of mine is that we should not grudge if by a little personal inconvenience we can afford to release greater amount of money for the larger interests of the masses. In the neighbouring provinces administered by the Congress, even the Prime Ministers themselves travel in third class. Since this is not a Congress administered province, I have not in accordance with the Congress ideal brought forward any motion for the hon'ble members to travel in the third class. Besides, I am aware of and admit the fact that the provision made at present for third class compartments by the Railway companies in our country renders it almost impossible for one to secure even standing accommodation, not to speak of comfortable seats, in third class compartments attached to Dacca and Chittagong mails. As the matter stands, it is out of the question for the hon'ble members to take the trouble of travelling third class. But the amendment moved by me does not seek to place them in such inconvenient position. As a matter of fact, the new types of second class compartments that have come in vogue are, in point of comfort and convenience, in no way inferior to first class compartments. Only the question of prestige is involved here. A high Government official is entitled to travel first class. Would it not therefore be deemed beneath the dignity of an hon'ble member of either the Lower or Upper House of the Legislature to travel in a second class compartment?

Instead of considering the question in this light if we try to grapple it from a slightly different point of view, I think it will become much easier. Just consider for once that most of our hon'ble members here have been returned by the votes of the masses. We should have the good of our countrymen at heart. In case my resolution is carried, a saving of nearly half a lakh of rupees will be made. And this, if spent on the education and the solution of the problems of bread and drinking water of the illiterate and starving masses will, I think, relieve us at least to some extent of the obligations we owe to them. Thus, if we set a new example by travelling in the second class, the said high Government officials will also in future be influenced by it. And when we ourselves are entitled to make laws, any resolution that may be brought forward in future for the Government officials to travel in the second class would easily be carried. It will help to save lakhs of rupees which may be utilized for the benefit of the indigent masses.

I hope the hon'ble members will in a body support my amendment and thereby earn the blessing of our countrymen.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: In reply to the point which has been raised by Mr. Humayun Kabir and Begum

Hamida Momin I would only say that the half extra fare is given to cover the expense of travelling of the wife and children (laughter).

Mr. RANAJIT PAL CHOUDHURY: In supporting all these cut motions I will go still further and say that no travelling allowance be given to anybody but that a pass should be issued to individual members for travelling purposes—

Mr. PRESIDENT: This is not relevant to the motions under discussion. You did not give notice of such an amendment. You can only speak on the amendments.

Mr. SACHINDRA NARAYAN SANYAL: I whole-heartedly support the amendment of Mr. Humayun Kabir. He has spoken the absolute truth, because I think very few of us have actually seen a first class compartment not to speak of travelling in it. I would have supported the amendment of Begum Hamida Momin if instead of the word "second" she had proposed "third."

Rai BROJENDRA MOHAN MAITRA Bahadur: I beg to support the amendment moved by Begum Hamida Momin. I say that we really ought to reduce the travelling allowance and also the conveyance allowance. If we accept a higher rate of allowance, we make ourselves liable to criticism that we are appropriating the loaves and fishes in an unreasonable manner out of the public exchequer. To disarm such criticism the members of the Legislature ought not to give any handle to anybody to question our *bona fide*. There is a demand from the public to prevent all sorts of waste. Have the hon'ble members thought for a moment what their position would be when the question of this waste will come to the notice of the starving millions of Bengal?

My next point is—shall we ourselves be a party to the spoils of the public revenue when there is a talk of economy everywhere? We must be above all suspicion, and not be amenable to the remarks from outside that we are doing something which might well be described as a loot.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I wholeheartedly support Begum Hamida Momin's proposal. I think it is a very reasonable proposal. Second class fare for an Indian is more than what is required especially in consideration of the present economic condition of the country. I think that all of us ought to support it. I also support the amendment of Mr. Moazzemali Chaudhury, namely, where there is no second class, first class may be allowed. To charge first class travelling, and travelling in a lower class, spells something

which is dishonest. It is dishonest to charge first class while travelling in a lower class. So it would be far better to insist on everybody travelling second class, and take an extra half fare for servants and other things. With these words I support the amendments.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I do not think anybody in this House is really at heart opposed to any curtailment of expenditure. (Question.) It is very unfortunate that in speaking on certain amendments regarding the reduction of fare from first to second class, certain members of this House should have definitely stated that the majority of the members of the Legislature are accustomed to travel in a lower class while they actually draw first class fare. It was clearly stated by Mr. Humayun Kabir and another gentleman on my right. I do not think that such a statement should be allowed to go unchallenged.

This House consists of gentlemen whose status and position in life are such that they cannot stoop so low. It is regrettable that reflections should be cast upon the entire body of members of the Legislature impunging their integrity. These are irresponsible remarks and they bring discredit on ourselves.

The reason, which prompted some of us on this side of the House, to oppose the amendments for the reduction of members' emoluments, was that the savings likely to be effected thereby would be practically negligible. (Question.) That is why we opposed the proposals.

Regarding travelling allowance for journeys by rail or steamer which has been fixed at one and half times first class fare, I wish to inform the House that formerly the rate was double first class fare which a member of the Council was entitled to draw. Then it was reduced to one and three fifths and subsequently to its present rate of one and a half. I know, Sir, there are many who actually travel first class and draw first class travelling allowance.

Mr. SACHINDRA NARAYAN SANYAL: Not all.

Rai KESHAB CHANDRA BANERJEE Bahadur: I used the word 'many'.

Mr. LALIT CHANNDRA DAS: It is a reflection on the House.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, the insinuation that has been made against the hon'ble members of the Legislature is objectionable. The present rate of one and a half first class fare is intended to cover all expenses incidental to the journey. The critics lose sight of the fact that besides his own fare a member has to bear the travelling expenses of his servant and meet other charges including

luggage, refreshments, coolie hire, etc. In the circumstances, it is no unreasonable to charge first class fare. It has been the practice for a long time and I do not think there is any special ground for altering the existing system.

Mr. HUMAYUN KABIR: I am afraid that either I did not make myself clear to the House or the hon'ble member was not able to follow me. What I meant was that the majority of the members when travelling on their own, I definitely made that distinction, do not travel first class except on Government business. Therefore, the entire tirade of the hon'ble member is beside the point.

Mr. MESBAHUDDIN AHMED: I move that the question be now put.

The motion was put and agreed to.

The amendment that in sub-clause (*i*) of clause 4(*a*) of the Bill for the word "ten" the word "five" be substituted, was put and lost.

The amendment that in sub-clause (*i*) of clause 4(*a*) of the Bill for the words "ten rupees" the words "seven rupees eight annas" be substituted, was put and a division was taken with the following result:—

AYES—14.

Chakraverti, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayan.
Maitra, Rai Bahadur Brojendra Mohan.
Momin, Begum Hamida.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal, Mr. Sachnidra Narayan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—31.

Ahmad, Mr. Naziruddin.
Ahmad, Mr. Mesbahuddin.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda—
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Haidar, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur, M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
McKerzow, Mr. J. A.
Molla, Khan Sahib Subidali.
Nichole Mr. C. K.
Ormond, Mr. E. C.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Salleswar.
Wilmer, Mr. D. H.

The Ayes being 14 and Noes 31 the motion was lost.

The amendment that in sub-clause (*ii*) of clause 4(*a*) of the Bill the words "and a half times" shall be omitted, was then put and lost.

The amendment that in sub-clause (*ii*) of clause 4(*a*) of the Bill for the word "first" the word "second" be substituted, was then put and a division taken with the following result:—

AYES—17.

Chakravorti, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brijendra Mohan.
Momin, Begum Hamida.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Rahman, Khan Bahadur Ataur.
Ray, Rai Bahadur Radhica Bhusan.
Sanyal, Mr. Sachindra Narayan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—32.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Mesbahuddin.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Humayun Reza.
Chowdhury, Mr. Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Elliahi, Mr. S. Fazal.
Haider, Naeabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
McKerrow, Mr. J. A.
Mollia, Khan Sahib Subidali.
Nicholl, Mr. C. K.
Ormond, Mr. E. C.
Rahman, Mr. Mukhlasur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Shamsuzzoha, Khan Bahadur, M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

The Ayes being 17 and Noes 32 the motion was lost.

The amendment that after sub-clause (*ii*) of clause 4(*a*) of the Bill the following proviso be added, namely:—

> "Provided that in cases where there is no second class in any railway or steamer the member shall be entitled to travelling allowance at the rate of one and a half time first class fare for his journey by such railway or steamer as the case may be."

was then put and lost.

Mr. PRESIDENT: The question before the House is—

that clause 4 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is—

that clause 5 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is—

that clause 1 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is—

that the short title and preamble be added to the Bill.

The motion was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bill as settled in the Council be passed.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, I am unable to vote either for the salary or for the allowances fixed in the Bill. We have no right to make any profit whatsoever out of our position here and vote for our allowances without reference to actual facts. As regards salary, Sir, I can think of our *mufassil* friends most of whom are members of the profession and who of course have come here at some personal sacrifice and also have to incur extra expenditure for their stay here. And they should be given some salary. As regards the amount of such salary, I submit that it should not be more than what is just necessary for their ordinary comforts, or, as some hon'ble members here have suggested as some compensation for their direct loss. In this connection I cannot but refer to the admirable speech delivered by the Hon'ble Finance Minister on the floor of this House and his passionate, enthusiastic and burning bid for sacrifice which he made here, may be, a spectacular demonstration (surely I say these words not by way of a slur, as I have the greatest admiration for him), but which has revealed his real nature—and led one to believe that he was feeling a fish out of water—and rather, uncomfortable in his present company. Sir, taking this spirit of sacrifice from him, I would beg of the hon'ble members to be imbued with the same spirit of sacrifice and accept such an amount by way of salary as would be just necessary for their bare requirements.

Sir, the Congress have set up and are trying to set up an example of plain living and high thinking. It has been said that the standard of living in this province amongst some of us has been rather high, and it is difficult for them to reduce that standard. It may be so; with some, but it may not be very difficult with others. What I do say is that high living and high thinking do not always go together. Sir, what we do admire in a man is his high thinking and plain living and

not high living. In the other provinces, I mean the Congress Ministry provinces, both the Ministers and the members have succeeded in reducing this rich standard of living without risking their standard of high thinking. To them it is no longer a mere ideal or a pure sentiment as they have accepted a much lesser pay than what we propose to do by passing this Bill and they are carrying on as efficiently as any of us here. Therefore I would submit that we ought not to lag behind them in this spirit of sacrifice which they have shown by accepting Rs. 75 as the salary. As there is no resolution to this effect, I do not think I can legitimately dilate on that point beyond throwing a hint in that way. Sir, it has been said that if we were to accept a lesser sum, the position would be that we should have to hold our meetings under a canopy squatting on the ground instead of sitting on cushioned chairs as we are doing here. Sir, may I with all humility refer to the Hon'ble Finance Minister the cases of other provinces where I take it they are conducting their business quite as well, if I may say so without any disrespect to this Ministry, as we are doing it here and the members there are equally conducting their business with efficiency. They are sitting on cushioned chairs and not squatting on the floor and they are not holding their meetings under canopy but in as magnificent a premises as this. Therefore, I appeal to you that when the history of Bengal is in the making, would you write your history in the way for which posterity may have cause to condemn you? A chance has been given to us, should we not rise to the occasion, and make this little sacrifice? It is for you to make it or mar it. I need not remind the hon'ble members that they have come here to serve their electorates in a spirit of sacrifice and not to make use of their position in this way or make any profit out of it.

Sir, as regards the question of allowance, it has been suggested that Rs. 10 is the proper amount. I think some members, I forget their names, have said that Rs. 10 is not even sufficient. Well, Sir, as far as my experience goes, I think that Rs. 6 is quite enough for most of us here, I leave of course the European Group out, because they can afford to spend much more; and I do not include the other group, Maharajas, Rajas, Zemindars and Nawabs, because they can well afford to meet the extra expenses out of their pocket and I do not think they would care to be reimbursed for these extras out of public funds.

Sir, as regards travelling expenses, I was really surprised to find the result of the voting. The motion moved by the hon'ble lady member, Begum Hamida Momin, which was a very modest one, has been lost and I am afraid, lost by a big majority. It has really cast a slur on us and will be a standing disgrace. We forget it is public money and we want to be lavish and spend money in a way in which we would not have spent it, had it been our own money. I would ask the hon'ble

members to search their hearts and we all know what the answer is. But we will not speak it out. Do we all travel in first class? On the other hand, humble as I am, I have always travelled in a lower class and I can, without any disrespect, count many in my category. And why should we travel in first class when there is this appalling distress in the country and when 75 per cent. of our people do not get even two meals a day. Then, Sir, instead of paying this money in cash why not issue a pass for a second class and a ticket for a servant; and that is all that you want. This procedure is at the same time, I think, much more respectable, less troublesome and easier to check in audit.

Sir, with these words I enter my humble protest against this Bill.

Mr. RANAJIT PAL CHOUDHURY: Sir, on a point of information. This Act, as we understand, comes into force on the 1st of April 1937. In clause 4 it is stated that it shall be deemed to come into force from the 1st April 1937. In clause 4 (2) the travelling allowance laid down as one and a half times first class fare. There may have been some instances where some members have charged at the rate of one and three-fourths first class fares and some at lower rates. Will all that now be adjusted according to this bill?

Rai KESHAB CHANDRA BANERJEE Bahadur: From the 1st of April 1937, one and a half first class fares have been charged.

Mr. NAZIRUDDIN AHMAD: There are some cases where one and three-fourths first class fares have been charged when the distance is below 75 miles.

The Hon'ble Mr. NALINI RANJAN SARKER: I may explain that after the Bill is passed the Accountant-General will do the needful.

Mr. NAZIRUDDIN AHMAD: Before this Bill is passed, I desire to utter a word of protest against a certain statement made by an hon'ble member, Mr. Humayun Kabir, who said that there are some members of the House who travel in a lower class and actually charge——

Mr. PRESIDENT: Order, order. The amendment is not before the House. The question before the House is that the Bill be passed.

Mr. NAZIRUDDIN AHMAD: Sir, with regard to the proposition I would only say that we have heard much canvassing about the prestige of the House. Does the prestige of the House mean that it should exhaust itself in the prestige of its President? The prestige of members is also another question. We find that in England all members of Parliament are allowed free first class travelling expenses throughout the United Kingdom. They have got to visit various constituencies and attend meetings at various places; that is why that privilege is allowed there to the members. So, Sir, one has got to take into consideration that if a member takes to the business seriously, he has got to incur various expenses in buying books and keeping himself informed of various things which happen and keeping others informed of them. So all these matters have got to be taken into consideration. There is also the question of dignity of this House. Taking all these matters into consideration, I support the motion that the Bill be passed, as its provisions are extremely just and fair.

Mr. NARESH NATH MOOKERJEE: Sir, I beg to support the amendment of my friend, Mr. Kamini Kumar Dutta——

Mr. PRESIDENT: Order, order. The motion of Mr. Dutta is not before the House. The motion before the House is that the Bill as settled in Council be passed. Hon'ble members will not be entitled to refer to past speeches on other motions.

Mr. NARESH NATH MOOKERJEE: Very well, Sir, I shall speak in a general way. In supporting the proposals brought forward for "no salary" to members, I have to submit that while there appears to be some justification for a small salary to be paid to our Ministry who are whole-time servants of the State, there does not appear to be any reason why we should require a salary for ourselves for the little service we have agreed to give to our country. Sir, the amount of work that we are called upon to do, does not interfere in any degree with our respective vocations in life and as such I fail to see how we can legitimately ask for being paid for rendering this little service to our own country.

In Bengal where the sons of the soil have made tremendous and lifelong sacrifices for the cause of the country, where suffering even crossed the limits of human endurance, where lives were lost and taken, in pursuing the cause of our motherland—are we to-day going to ask for a fee in order to render this little service. It is a shame and disgrace Sir, if we to-day expect the poor, dumb and starving millions of

Bengal to pay us for rendering this little service. I consider this is the least we can do for them and we should come forward and refuse to support this Bill.

Under the provisions of this Bill, Sir, the entire cost of giving salaries to the 315 members of both the Houses at the rate of Rs. 150 per month, comes to a total of Rs. 5,67,000 annually, which sum if saved, may be most usefully employed to either relieve unemployment, famine or any other nation building scheme. We shall at least then be answerable to our people, for something that we have done for them. It is all very well for people to criticise and ridicule the Congress for bringing up such amendments but I am prepared to challenge the honesty and sincerity of such opposition. We are all representatives of the poor people of Bengal working together to shape the destiny of this Province. Let us make a start here and now and we shall prove what we are saying.

Service to the country which is offered in exchange for a certain remuneration is very questionable and suspicious and I know, Sir, that my appeal will not reach very far, I also know that destiny is not in our favour—not even the super-gods in the Seventh Heavens, can prevent or obstruct the passage of this Bill—but before I finish I fervently appeal to all sections of this House to support me for the cause of our starving country men.

The Hon'ble Mr. NALINI RANJAN SARKER: It is not necessary for me to go into the merits of the Bill which has been sufficiently discussed. The position of Government is that in this matter we should entirely be guided by the opinion of the members of this House. If the members of this House want to reduce their salary or their allowances, Government have no objection. I rise only to correct one statement of Mr. Datta. I do not know how he could bring me again in connection with members' salary because I am not a member of this House. If this Bill is passed, I shall not be affected in any way but I know that I am always in the brain of the members opposite and that anyhow they want to bring me in. I never said that I am not in favour of exhibiting sacrifice. What I said is that if that sacrifice is going to be a competition between a person and a person, I would not lag behind. In this particular matter I have heard my friend, Mr. Mookerjee, to say that it is a shame that this Bill is being considered in this House and that salaries are being fixed at a high rate. Even if this Bill is passed by a majority, it would be quite easy for my friend not to take the salary that will be provided by this Bill if he thinks that everyone who takes this salary should be ashamed.

A member: We will give it to the Congress.

The Hon'ble Mr. NALINI RANJAN SARKER: So far as my information goes, the Congress Party have passed a resolution that they will take half the amount and contribute the other half to the All-India Congress Fund. I submit, Sir, if they do not take the salary from Government, it will go to the cultivators who are starving. I do not want to waste the time of the House.

The motion that the Bill, as settled in Council, be passed was put and agreed to.

The Bengal Legislature (Removal of Disqualifications) Bill, 1937.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the Bengal Legislature (Removal of Disqualifications) Bill, 1937, be taken into consideration.

The motion was put and agreed to.

Mr. HUMAYUN KABIR: I beg to move that clause 2(*b*) be omitted.

Rai BROJENDRA MOHAN MAITRA Bahadur: I beg to move that in clause 2(*b*) for the words "whole time" the word "whole-time" be substituted.

This is only a correction of a printing mistake.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to move that in clause 2(*b*) the words "either by salary or" be omitted.

Mr. LALIT CHANDRA DAS: I beg to move that after clause 2(*b*) the following proviso be added, namely:—

"provided that a Government Pleader or a Public Prosecutor for the purpose of this Act shall be deemed to be a whole-time officer under the Crown remunerated by salaries or fees."

Mr. HUMAYUN KABIR: I beg to move that clause 2(*c*) be omitted.

The amendment that clause 2 (*b*) of the Bill be omitted, was put and lost.

The amendment that in clause 2(*b*) of the Bill for the words "whole time" the word "whole-time" be substituted, was put and lost.

The amendment that in clause 2(*b*) of the Bill the words "either by salary or" be omitted, was put and lost.

The amendment that after clause 2(*b*) of the Bill the following proviso be added, namely:—

"provided that a Government Pleader or a Public Prosecutor for the purpose of this Act shall be deemed to be a whole-time officer under the Crown remunerated by salaries or fees," was put and a division taken with the following result:—

AYES—14.

Chakravorti, Mr. Shrish Chandra.
Chaudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Momin, Begum Hamida.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Rahman, Khan Bahadur Ataur.
Sanyal, Mr. Sachindra Narayan.

NOES—33.

Ahamed, Mr. Nur.
Ahmad, Mr. Nazirudden.
Ahmed, Mr. Meshahuddin.
Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Humayun Reza.
Chowdhury, Mr. Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Faral.
Haider, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Huq, Mr. Syed Muhammad Shaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Nicholl, Mr. C. K.
Ormond, Mr. E. C.
Rahman, Mr. Mukhlasur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy, Rai Bahadur Radhica Bhusan.
Roy Chowdhury, Mr. Krishna Chandra.
Sarker, Mr. Indu Bhusan.
Samsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilson, Mr. D. H.

The Ayes being 14 and the Noes 33, the motion was lost.

Mr. PRESIDENT: The question before the House is—

that clause 2 stand part of the Bill

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is—

that clause 1 stand part of the Bill

The motion was put and agreed to.

Mr. PRESIDENT: The question before the House is that the short title and the preamble be added to the Bill.

The motion was put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill as settled in Council be passed.

Mr. PRESIDENT: The question before the House is that the Bill as settled in Council be passed.

Mr. RANAJIT PAL CHOUDHURY: May I rise on a point of information, Sir? Every Bill, generally, has a statement of objects and reasons, but we find that no such statement of objects and reasons has been attached to this Bill. Can this Bill, therefore, be passed without any statement of objects and reasons?

Mr. PRESIDENT: Under our rules in the case of Bills that we receive from the Lower House there are no such conditions, and it is not necessary to have any statement of objects and reasons. It is quite different when a Bill is introduced here.

Mr. RANAJIT PAL CHOUDHURY: May we know, Sir, under what section this is not required?

Mr. PRESIDENT: There is no section. If you are to argue that this is not in order or that it is an infringement of the rules of this House, then it is incumbent on you to prove so, and not on the other party.

Khan Bahadur ATAUR RAHMAN: Sir, how can we know what is the object of introducing a Bill if there is no statement of objects and reasons attached to it? We can understand the Ministers' Salaries Bill, but we cannot understand why the Disqualifications Bill has been introduced here? So, I submit, there ought to have been a statement of objects and reasons in this Bill.

Mr. PRESIDENT: The House has considered this question at some length, and the hon'ble member now raises the question of the inclusion of a statement of objects and reasons in the Bill. (Laughter)

Mr. PRESIDENT: The question before the House is that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

Mr. PRESIDENT: The Bill is passed.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members Present:

The following members were present at the meeting held on the 22nd September, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Banerjee, Rai Bahadur Keshab Chandra.
(5) Barua, Dr. Arabinda.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Humayun Reza.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Cohen, Mr. D. J.
(14) Das, Mr. Lalit Chandra.
(15) Datta, Mr. Bankim Chandra.
(16) Datta, Mr. Narendra Chandra.
(17) D'Rozario, Mrs. K.
(18) Ellahi, Mr. S. Fazal.
(19) Goswami, Mr. Kanai Lal.
(20) Haider, Nawabzada Kamruddin.
(21) Hosain, Khan Bahadur Saiyed Muzzamuddin.
(22) Hossain, Mr. Latafat.
(23) Huq, Mr. Syed Muhammad Ghaziul.
(24) Ibrahim, Khan Bahadur Maulvi Mohammad.
(25) Kabir, Mr. Humayun.
(26) Karim, Khan Bahadur M. Abdul.
(27) Khan, Khan Bahadur Muhammad Asaf.
(28) Khan, Maulana Muhammad Akram.
(29) Laidlaw, Mr. W. B. G.
(30) Maitra, Rai Bahadur Brojendra Mohan.
(31) McKerrow, Mr. J. A.
(32) Molla, Khan Sahib Subidali.
(33) Momin, Begum Hamida.

(34) Mookerjee, Mr. Naresh Nath.
(35) Nicholl, Mr. C. K.
(36) Ormond, Mr. E. C.
(37) Pal Choudhury, Mr. Ranajit.
(38) Poddar, Mr. H. P.
(39) Rahman, Khan Bahadur Ataur.
(40) Rahman, Mr. Mukhlesur.
(41) Rashid, Khan Bahadur Kazi Abdur.
(42) Ray, Mr. Nagendra Narayan.
(43) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(44) Roy, Rai Bahadur Radhica Bhusan.
(45) Roy Chowdhury, Mr. Krishna Chandra.
(46) Sanyal, Mr. Sachindra Narayan.
(47) Sarker, Mr. Indu Bhusan.
(48) Shamsuzzoha, Khan Bahadur M.
(49) Singh Roy, Mr. Saileswar.
(50) Sinha, Rai Bahadur Surendra Narayan.
(51) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 22nd September, 1937:—

(1) Baksh, Mr. Kader.
(2) Chowdhury, Mr. Hamidul Huq.
(3) Dutta, Mr. Kamini Kumar.
(4) Esmail, Khwaja Muhammad.
(5) Hossain, Mr. Mohamed.
(6) Jan, Khan Bahadur Shaikh Muhammad.
(7) Lamb, Mr. T.
(8) Mookerji, Dr. Radha Kumud.
(9) Mukherji, Rai Bahadur Satis Chandra.
(10) Sen, Rai Sahib Jatindra Mohan.
(11) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 2nd September 1937:—

(1) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(2) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(3) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(5) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(6) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.

(7) The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, M.L.A.

(8) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(9) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.

(10) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

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